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AUTHOR	Erickson, Donald A.; Madaus, George F.
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ABSTRACT

The results of a study designed to determine the degree to which the public interest has been and will be served by a variety of Federal assistance programs available to non-public schools are reported. Three sets of guideline questions were developed. The first set concerned what programs and to what school levels were offered. The second set concerned the areas of success or failure in carrying out the intent of the programs. The third set related to the future effectiveness of such programs. An inventory of all Federal Assistance Programs for which non-public schools were eligible was developed in order to indicate the extensiveness of the Federal endeavor. Non-public school personnel were requested to respond on a broad scale ranging from an indication of mere awareness of the breadth of programs to a rather detailed knowledge of each program. In order to gain insight on a specific and longitudinal level, the research team selected Title I of ESEA of 1965 for in-depth investigation. Recommendations are made based on the data of the present study. (For related document, see ED 058 473.) (Author/CK)

Issues of Aid to Nonpublic Schools

Volume III (of IV)
Public Assistance Programs For Nonpublic Schools

Prepared by
Center for Field Research and School Services
Boston College

Submitted to The President's Commission on School Finance

AA 000 772

THIS IS ONE OF SEVERAL REPORTS PREPARED FOR THIS COMMISSION. TO AID IN OUR DELIBERATIONS, WE HAVE SOUGHT THE BEST QUALIFIED PEOPLE AND INSTITUTIONS TO CONDUCT THE MANY STUDY PROJECTS RELATING TO OUR BROAD MANDATE. COMMISSION STAFF MEMBERS HAVE ALSO PREPARED CERTAIN REPORTS.

WE ARE PUBLISHING THEM ALL SO THAT OTHERS MAY HAVE ACCESS TO THE SAME COMPREHENSIVE ANALYSIS OF THESE SUBJECTS THAT THE COMMISSION SOUGHT TO OBTAIN. IN OUR OWN FINAL REPORT WE WILL NOT BE ABLE TO ADDRESS IN DETAIL EVERY ASPECT OF EACH AREA STUDIED. BUT THOSE WHO SEEK ADDITIONAL INSIGHTS INTO THE COMPLEX PROBLEMS OF EDUCATION IN GENERAL AND SCHOOL FINANCE IN PARTICULAR WILL FIND MUCH CONTAINED IN THESE PROJECT REPORTS.

WE HAVE FOUND MUCH OF VALUE IN THEM FOR OUR OWN DELIBERATIONS. THE FACT THAT WE ARE NOW PUBLISHING THEM, HOWEVER, SHOULD IN NO SENSE BE VIEWED AS ENDORSEMENT OF ANY OR ALL OF THEIR FINDINGS AND CONCLUSIONS. THE COMMISSION HAS REVIEWED THIS REPORT AND THE OTHERS BUT HAS DRAWN ITS OWN CONCLUSIONS AND WILL OFFER ITS OWN RECOMMENDATIONS. THE FINAL REPORT OF THE COMMISSION MAY WELL BE AT VARIANCE WITH OR IN OPPOSITION TO VIEWS AND RECOMMENDATIONS CONTAINED IN THIS AND OTHER PROJECT REPORTS.

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ISSUES OF AID TO NONPUBLIC SCHOOLS

VOLUME III

Public Assistance Programs for Nonpublic Schools

Submitted to the President's Commission
on School Finance

Donald A. Erickson
Midwest Administration
Center
The University of Chicago

George F. Madaus
Center for Field Research
and School Services
Boston College

Principal Investigators

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CHAPTER I

Federal Assistance Programs

Edward J. Norton
Center for Field Research
and School Services
Boston College

Vincent C. Nuccio
Center for Field Research
and School Services
Boston College

CHAPTER I

FEDERAL ASSISTANCE PROGRAMS

Purpose

The present chapter reports the results of a study designed to determine the degree to which the public interest has been and will be served by a variety of Federal assistance programs available to non-public schools. To this end the research team developed three sets of guideline questions to reduce the more highly inclusive question of the effectiveness of Federal assistance programs to more specific and manageable form.

The first set of questions asked: "What Federal Assistance Programs have actually been available to non-public schools in order to allow them to serve the public interest? What variety of such programs is offered? And, to which school levels -- elementary, secondary, higher education -- have they been offered?"

The second set of questions asked: "What are the areas of success or failure in carrying out the intent of the Federal Assistance Programs? What factors affect the extent and quality of participation or non-participation of non-public school children in such programs?"

The third set asked: "What is the best estimate of the future effectiveness of Federal Assistance Programs for non-public school children? Are there program adjustment patterns evolving discernibly at present? How can past Federal Assistance Programs, designed to allow non-public schools to serve the public interest, be amended, transposed, or amalgamated to better allow such service? And finally, can new Federal Assistance Programs be suggested to help non-public schools better serve the public interest?"

Method of Investigation

Guided by these questions, the research team developed an inventory of all Federal Assistance Programs for which non-public schools are eligible, in order to indicate the extensiveness of the Federal Government's endeavor. Non-public school personnel were requested to respond on a broad scale ranging from an indication of mere awareness of the breadth of programs to a rather detailed knowledge of each program.

In order to gain insight on a specific, and at the same time longitudinal level, the research team selected Title I of E.S.E.A. of 1965 for in-depth investigation. This program for Educationally Deprived Children was singled out because it is perhaps the best known, most widely commented upon, and most heavily funded. In addition, there was readily available to the research team a wealth of data gathered in previous studies of the impact of Title I, which would allow inference on a long term basis as well as it's present status.

In summary, then, the broad methodology of the present study involved three sections: 1. a general review of all Federal Assistance Programs as presented in the Inventory; and an in-depth review of all study materials and data for Title 1, ESEA of 1965 in specific. The study, further, entailed: 2. an assessment of the information gathered about the awareness of and attitudes toward the many programs cited in the Inventory and the Title 1 questionnaire. Lastly, the study suggested a series of 3. recommendations based on the data of the present study in tandem with the longitudinal data already collected on Title I.

SECTION I

Review of Federal Assistance Programs Available to Non-Public School Children

The review aspect of the study involved two parts: the first a wide-angle focus embracing all Federal Assistance Programs; the second a more telescopic focus on one far reaching program.

The first part required a search of the total list of Federal Assistance Programs, with a subsequent selection and compilation of those available to non-public school children directly or indirectly. This selected listing became the Inventory of Federal Assistance Programs Available to Non-public School Children (herinafter referred to as the Inventory)

The second part required a more intense treatment of the historical materials regarding Title I and the consequent development of an appropriate instrument to assess the present status of trends seen developing in the past. This resulted in the production of the Title I Questionnaire.

A. The Inventory

Sources--The basic source and starting point of the Inventory was the January 1969 edition of the Catalogue of Domestic Federal Assistance Programs which in its own introduction statement..."provides a comprehensive listing and description of 581 domestic assistance programs and activities administered by 47 federal departments and agencies." A second source was the "Guide to OE-Administered Programs, Fiscal Year 1971" reprinted from American Education, November 1970, which accounts for the largest number of assistance programs available to non-public school children.

The listing was validated through interviews with officials of the Office of Education. The 1969 edition of the Catalogue was used for a number of reasons, even though the 1971 edition was available for inspection in Washington at the time. There were the obvious reasons of time-bind for study completion and lack of general availability of the 1971 edition to people who might want to consult its pages, while participating in the study. Certainly several important deletions, transpositions and adjustments had occured since the 1969 edition; but these changes, though individually significant, only slightly affected the totality of Federal Assistance Programs. The Inventory, then, does not assume currency beyond adjustments to the 1969 edition of the Catalogue, but does claim adequacy in describing the over-all picture of Federal programs available to non-public school children.

Listing--After the search, compilation, and interviews a total of seventy six (76) programs emerged for which non-public school children are eligible. Forty three (43) of these programs are directly available to children on the elementary and secondary levels; and thirty three (33) are indirectly available through assistance to teachers, administrators and special training and service programs in higher education. Since the main thrust of this study was on the elementary and secondary levels, only the forty three programs directly dealing with those levels were tested in the field, though all seventy six programs were included in the Inventory. For each of the programs, the Inventory referenced the page number in the Catalogue for further consultation; indicated the place of contact for further information; cited the titles of booklets and reports describing the programs as well as the details of the authorizing legislation. The programs were grouped under the name of the Federal Agency which administers the program for the Federal Government.

The Inventory may be found in Appendix E.

Cross-reference--Project 13 of the over-all study by the President's Commission on School Finance studies the problem of redirection of Federal Programs. It's first subject area deals with the logical grouping of all Federal

Programs for educational purposes into meaningful categories. In the light of the literature search and validation efforts in the present project this re-categorization is a patent necessity. Confusion arises from the number of programs, their overlapping, the vagaries of their distribution patterns, different names for the same program, the breakdown of sub-programs, which then become indistinguishable from parent programs.

The intricacy is evidenced by the Federal Funding courses in the colleges and universities which attempt to explain and systematize the often bewildering array of Title and Statutes. Each Government agency contributes to the number of available programs to help the nation's children and their teachers; but the method of helping often makes it unlikely that any but the initiated will know he is eligible.

It is perhaps, in part, this confusion to which the current revenue sharing plan addresses itself on a broader scale rather than more categorical aid.

B. The Title I Questionnaire

Purpose -- Just as the Inventory was designed to look at the totality of the Federal Assistance Program in their breadth and extension, the study team felt that some attention should be given to the intensity of the programs, to the far reaching ramifications of almost any given programs, and to the impact at the local level of a program designed by the Federal Government to foster the public interest.

Given the limitations of both time and space, and in view of the large number of available programs, the study team, as indicated, selected Title I of ESEA of 1965 because it is a very generally known program; has had almost universal impact; and is a very heavily funded program, thus inviting very close scrutinizing.

Sources -- The initial source of data was A National Level Evaluation Study of the Impact of Title I of the Elementary and Secondary Education Act of 1965 on the Participation of Non-Public School Children. This study was submitted to the U.S. Commission of Education under the provision of Public Law 89-10 and prepared by Dr. Vincent C. Nuccio as project administrator, and Dr. John J. Walsh, as research director, both of Boston College, Chestnut Hill, Massachusetts in August, 1967. This study will be referred to as the 1967 National Study.

A second source of data was "A Study of the Participation of Non-Public School Children in Title I, ESEA Programs and Services in New York City." This study was presented by Vincent C. Nuccio, John J. Walsh, Peter J. Murphy and Karen London (all of Boston College) to the Commissioner of Education of the State of New York in October, 1968. Reference will be made to this as the New York City Study.

The third source was the annual report of the National Advisory Council on the Education of Disadvantaged Children submitted to the President of the United States in January, 1969 and in March, 1971.

In May of 1970, the Center for Field Research and School Services, at Boston College, conducted a follow-up survey to determine the extent to which the findings of the National Study of 1967, and the New York City Study of 1968 and the Council Report (all cited above) still obtained.

Yet another valuable source was the report of Hearings before the Committee on Education and Labor, House of Representative, Ninety First Congress, First Session, on H.R. 514 in March of 1969.

Development--The initial steps in the development of the instrument for the second part of the study required a rather thorough rereading of all the above documents for breadth of viewpoint on Title I in its entirety.

In order to insure comparability of the data longitudinally, eight categories of questions were set up similar to those investigated in the 1967 National Study. Many of the specific questions were reworded to reflect the most recent developments in those question areas. The general aspect of Title I investigated were procedures for allocating funds; renewal and approval of applications, administrative relationships, legal problems, involvement of local non-public school officials in planning, operation and implementation of programs, evaluation and recommendations regarding Title I. In each of these areas specific questions were developed that would supply data comparable to those derived from the earlier studies of Title I. In order to insure a more developmental treatment of the present data, uncovering significant trends and growing problems in the program.

The questionnaire may be found Appendix E.

SECTION II

Assessment of Federal Assistance Programs Available to Non-Public School Children

The second section of the study addresses itself to the core question: What are the areas of success and/or failure in the execution of the interest of public assistance programs to non-public schools? Looking into a specific program, what have been the factors in the quality of participation in this program?

As a result of the Inventory reported in the previous section, a factual knowledge of the range of programs actually available was arrived at. In order to answer the core question cited above, data concerning the extent of simple awareness of the program by non-public school personnel on one end of a spectrum and detailed knowledge and use on the other, was received. The present assessment section reports the instrumentation, the participants, the treatment of the data and the results of the inquiry in the Inventory in part one. In part two it also reports, on a longitudinal basis, the responses to the inquiry into factors affecting participation in Title I of ESEA.

A. Federal Assistance Programs in General

The Instrumentation--The Instrument of the first part of the section was designed to elicit informational responses indicating how aware non-public school personnel are of the availability of Federal Assistance programs in general whether they are currently participating, to what extent, and other expressions of more in-depth acquaintance with such programs. The instrumentation consisted of a copy of the complete Inventory of Federal Assistance Programs Available to Non-Public School Children accompanied by a matrix-type survey response-sheet with provision for coding their information levels about each of the forty three Federal Assistance Programs available directly to non-public school children in the elementary and secondary schools. Because of the extensiveness of the task, no responses were requested concerning programs designed more directly for higher education or special types of education.

About each of the 43 programs, then, the participants were asked to answer each of the following questions in one or two words:

1. Were you aware of your eligibility for this program?

2. Are you currently participating in this program?

3. If you are, to what extent of your eligibility are you actually participating?

4. What amount of funding for this program was allocated to the local education agency (LEA) in your area?

5. What percent of funds for this program were allocated to benefit non-public school children in your area?

6. What is the estimated dollar value of services received by non-public participants in your jurisdiction?

7. How many of your students were eligible for this program?

8. How many of your students (or teachers) actually participated?

9. Do you know the person(s) at your State agency to contact for further assistance on this program?

10. Is there a provision in your State Constitution prohibiting your participation in this program?

The Participants -- A total of 450 persons were asked to participate in the study. The request was made on the basis of representation by geographical location in the United States, by position in the educational hierarchy, non-public source of control of the schools.

Geographically, there was representation from the Northeast, Southeast, Midwest, Southwest, and Farwest. A further breakout of states in regions may be found, if desired, in the questionnaire for Title I in the appendix.

Positionwise, the responeents ranged through public school principal, public school superintendent, public state department official. Federal office official, non-public school principal, non-public school superintendent, non-public state department or regional official, national non-public organization official, and interested citizens with none of the above occupations.

The publicly controlled schools were, of course, represented by the officials mentioned in the paragraph above. A determined effort was made to secure representation from the major religion-oriented and independent control bodies in the non-public sector. The Roman Catholic Church controls by far the greatest number of non-public schools seeking Federal assistance and they were contacted chiefly through their national headquarters, regional directors and large city superintendents. In the case of the Jewish and Protestant religion-oriented schools the selection had to be done more at random on the local level since many national or regional educational officials do not exercise jurisdictional control. The study team contacted national representatives of the various church or synagogue groups for listings of their schools. The office of the National Association of Independent Schools sent their listing of schools along with a statement of their desire to cooperate in the study.

The Data - Sixty-one Inventory Survey Sheets were returned. These were scanned immediately with a view to arranging them for treatment on an IBM 360/40 at Boston College, using P-STAT, a user-oriented software package developed by Ronald Buhler of Princeton University.

An initial tabulation eliminated all but eleven of the Federal Programs as requiring none but the simplest tallying for lack of responses in the ten question areas.

For this review, eleven programs with sufficient responses to the ten questionnaire items were selected for analysis as follows:

1. Frequencies, percentages and means for each response category were obtained for the total sample of respondents.

2. Percentages and means for each response category were obtained separately for respondents from each of the five regions.

Since not all respondents answered every question for these programs, the total number of respondents varies for each question.

The total N's for questions 3-8 were often so small that they could not be subdivided by region. Where these questions are blank on the tables the total N was less than 10.

The N's for all regions do not always add up to the total number of respondents for that question, because a few people did not specify their region.

The following Tables indicate the responses for each of the eleven programs selected. Items 1 and 2 of the questionnaire tend to draw responses but 3 through 8 recieved mostly "I don't know," "Information not available" types of response.

I:16

TABLE 1

ESEA SURVEY PART THREE

Summary Statistics

Program #1 Commodity Distribution School Children Nutrition

	Total Sample		Region				
	N	Mean or %	North east	South east	Mid-west	South west	Far west
1. Are you aware of this program?							
%Yes	50	91%	90%	100	87	100	67
%No	5	9	10		13		33
	55		N=10	8	23	5	3
2. Participating currently?							
%Yes	32	59%	56	50	65	60	33
%No	22	41	44	50	35	40	67
	54		N=9	8	23	5	3
3. Extent of eligibility practicing							
Mean	19	62.53					
4. Amount of funding in your local agency	Don't	know		N=Less	than 10		
5. % of funds given non-public children							
Mean	Don't	know					
6. Estimated dollar value of services							
Mean				N=Less	than 10		

ESEA SURVEY PART THREE
(Continued)

	Total Sample		Region %				
	N	Mean or %	North east	South east	Mid-west	South west	Far west
7. How many of your students are eligible?							
Mean	15	12,271	N=Less than 10				
8. How many of your students actually participated?							
Mean	Don't know		N=Less than 10				
9. Contact person in your state							
%Wrote name	41	67%	64	38	72	60	100
%Don't know	20	33	36	63	28	40	0
	61		N=11	8	25	5	4
10. Constitution prohibition							
%Yes	4	12%	0	0	21	0	0
%No	30	88	100	100	79	100	100
	34		N=3	6	14	5	2

TABLE 2

ESEA SURVEY PART THREE

Summary Statistics

Program #2 Equipment to Initiate or Expand School Food Service

	TOTAL SAMPLE		REGION				
	N	Mean or %	North-East	South East	Mid-West	South West	Far West
1. Are you aware of this program?							
% Yes	43	90%	100	100	86	100	67
% No	5	10	0	0	14	0	33
	48		N = 8	7	21	5	3
2. Participating currently?							
% Yes	27	57%	63	43	70	40	33
% No	20	43	38	57	30	60	67
	47		N = 8	7	20	5	3
3. Extent of eligibility practicing							
Mean							
4. Amount of funding in your local agency							
5. % of funds given non-public children							
Mean							
6. Estimated dollar value of services							
Mean							

ESEA SURVEY PART THREE
(Continued)

Program #2 Equipment to Initiate or Expand School Food Service

	TOTAL SAMPLE		REGION				
	N	MEAN OR %	North= East	South-East	Mid-West	South-West	Far West
7. How many of your students are eligible?							
Mean							
8. How many of your students actually participated?							
Mean							
9. Contact person in your state							
% Wrote name	46	77%	64	50	92	40	100
% Don't Know	14	23	36	50	8	60	0
	60		N=11	8	25	5	4
10. Constitutional Prohibition							
% Yes	3	10%	0	0	15	0	0
% No	26	90	100	1000	85	100	100
	29		N=4	6	13	4	1

TABLE 3

ESEA SURVEY PART THREE

Summary Statistics

Program #3 School Breakfasts

	TOTAL SAMPLE		REGION				
	N	Mean or %	North-East	South East	Mid-West	South West	Far West
1. Are you aware of this program?							
% Yes	49	96%	100	100	90	100	100
% No	2	4	0	0	10	0	0
	51		N=9	7	21	5	3
2. Participating currently?							
% Yes	19	39%	50	29	45	40	0
% No	30	61	50	71	55	60	100
	49		N=8	7	20	5	3
3. Extent of eligibility practicing							
Mean	11	31.27					
4. Amount of funding in your local agency							
5. % of funds given non-public children							
Mean							
6. Estimated dollar value of services							
Mean							

ESEA SURVEY PART THREE
(Continued)

Program #3 School Breakfasts

	TOTAL SAMPLE		REGION				
	N	MEAN OR %	North=East	South-East	Mid-West	South-West	Far West
7. How many of your students are eligible?							
Mean	10	18,847					
8. How many of your students actually participated?							
Mean							
9. Contact person in your state							
% Wrote name	47	77%	64	50	96	40	100
% Don't Know	14	23	36	50	4	60	0
	61		N=11	8	25	5	4
10. Constitutional Prohibition							
% Yes	3	11%	0	0	20	0	0
% No	24	89	100	100	80	100	100
			N=4	6	10	4	1

TABLE 4

ESEA SURVEY PART THREE

Summary Statistics

Program #4 School Lunches

	TOTAL SAMPLE		REGION				
	N	Mean or %	North-East	South East	Mid-West	South West	Far West
1. Are you aware of this program?							
% Yes	55	100%	100	100	100	100	100
% No	0	0	0	0	0	0	0
	55		N=9	8	24	5	3
2. Participating currently?							
% Yes	43	80%	88	75	88	60	33
% No	11	20	12	25	12	40	67
	54		N=8	8	24	5	3
3. Extent of eligibility practicing							
Mean	33	61.0	63.75	57.70	63.75	41.67	-
			N=4	6	16	3	0
4. Amount of funding in your local agency							
5. % of funds given non-public children							
Mean							
6. Estimated dollar value of services							
Mean							

ESEA SURVEY PART THREE
(Continued)

Program #4 School Lunches

	TOTAL SAMPLE		REGION				
	N	MEAN OR %	North=East	South-East	Mid-West	South-West	Far West
7. How many of your students are eligible?							
Mean	17	14,197					
8. How many of your students actually participated?							
Mean	10	4924					
9. Contact person in your state							
% Wrote name	39	66%	73	25	78	40	100
% Don't Know	20	34	27	75	22	60	0
	59		N=11	8	23	5	4
10. Constitutional Prohibition							
% Yes	5	14%	0	0	25	0	0
% No	31	86	100	100	75	100	100
	36		N=4	7	16	4	1

TABLE 5

ESEA SURVEY PART THREE

Summary Statistics

Program #5 School Milk

	TOTAL SAMPLE		REGION				
	N	Mean or %	North-East	South East	Mid-West	South West	Far West
1. Are you aware of this program? % Yes % No	57 0 57	100% 0	100 0 N=10	100 0 8	100 0 25	100 0 5	100 40 4
2. Participating currently? % Yes % No	50 6 56	89% 11	100 0 N=9	88 12 8	92 8 25	60 40 5	100 0 4
3. Extent of eligibility practicing Mean	39	80.26	89.17 N=6	79.50 6	82.78 18	45.33 18	60.00 2
4. Amount of funding in your local agency							
5. % of funds given non-public children Mean							
6. Estimated dollar value of services Mean							

ESEA SURVEY PART THREE
(Continued)

Program #5 School Milk

	TOTAL SAMPLE		REGION				
	N	MEAN OR %	North= East	South-East	Mid-West	South-West	Far West
7. How many of your students are eligible?							
Mean	18	12,018					
8. How many of your students actually participated?							
Mean	14	19,879					
9. Contact person in your state							
% Wrote name	38	63%	55	25	84	40	67
% Don't Know	22	37	45	75	16	60	33
	60		N=11	8	25	5	3
10. Constitutional Prohibition							
% Yes	5	14%	0	0	25	0	0
% No	32	86	100	100	75	100	100
	37		N=4	7	16	4	2

TABLE 6

ESEA SURVEY PART THREE

Summary Statistics

Program #17 Educationally Deprived Children

	TOTAL SAMPLE		REGION				
	N	Mean or %	North-East	South East	Mid-West	South West	Far West
1. Are you aware of this program? % Yes % No	46 5 51	90% 10	100 0 N=10	100 0 8	90 10 20	80 20 5	67 33 3
2. Participating currently? % Yes % No	36 15 51	71% 29	90 10 N=10	88 12 8	65 35 20	60 0 5	67 33 3
3. Extent of eligibility practicing Mean	23	56.43					
4. Amount of funding in your local agency							
5. % of funds given non-public children Mean							
6. Estimated dollar value of services Mean	15	12,5013					

ESEA SURVEY PART THREE
(Continued)
Program #17 Educationally Deprived Children

	TOTAL SAMPLE		REGION				
	N	MEAN OR %	North=East	South-East	Mid-West	South-West	Far West
7. How many of your students are eligible?							
Mean	19	8,890,710					
8. How many of your students actually participated?							
Mean	23	889					
9. Contact person in your state							
% Wrote name % Don't Know	23 36 59	56% 44	36 64 N=11	38 63 8	58 42 24	80 20 5	67 33 3
10. Constitutional Prohibition							
% Yes % No	3 28 31	10% 90	0 100 N=5	14 86 7	15 85 13	0 100 3	0 100 2

TABLE 7

ESEA SURVEY PART THREE

Summary Statistics

Program #20 Guidance Counseling and Testing

	TOTAL SAMPLE		REGION				
	N	Mean or %	North-East	South East	Mid-West	South West	Far West
1. Are you aware of this program?							
% Yes	45	90%	100	100	81	100	67
% No	5	10	0	0	19	0	33
	50		N=0	8	21	5	3
2. Participating currently?							
% Yes	26	52%	56	63	52	20	0
% No	24	48	44	25	48	80	100
	50		N=9	8	21	5	3
3. Extent of eligibility practicing							
Mean	14	70.36					
4. Amount of funding in your local agency							
5. % of funds given non-public children							
Mean							
6. Estimated dollar value of services							
Mean							

ESEA SURVEY PART THREE
(Continued)

Program #20 Guidance Counseling and Testing

	TOTAL SAMPLE		REGION				
	N	MEAN OR %	North= East	South- East	Mid- West	South- West	Far West
7. How many of your students are eligible?							
Mean							
8. How many of your students actually participated?							
Mean	10	4579					
9. Contact person in your state							
% Wrote name	50	82%	82	38	92	80	100
% Don't Know	11	18	18	63	8	20	0
	61		N=11	8	25	5	4
10. Constitutional Prohibition							
% Yes	3	15%	0	0	33	0	-
% No	17	85	100	100	67	100	-
	20		N=2	6	9	2	2

TABLE 8

ESEA SURVEY PART THREE

Summary Statistics

Program #26 School Library Resources, Textbooks and Other Instructional Materials

	TOTAL SAMPLE		REGION				
	N	Mean or %	North-East	South East	Mid-West	South West	Far West
1. Are you aware of this program? % Yes % No	57 0 57	100% 0	100 0 N=11	100 0 8	100 0 23	100 0 5	100 0 3
2. Participating currently? % Yes % No	54 3 57	95% 5	91 9 N=11	100 0 8	96 4 23	100 0 5	67 33 3
3. Extent of eligibility practicing Mean	40	88.05	97.50 N=6	99.83 6	85.40 20	77.50 4	- 1
4. Amount of funding in your local agency	10	29 ,402					
5. % of funds given non-public children Mean							
6. Estimated dollar value of services Mean	25	50620	234,733 N=3	15,200 4	20, 611 9	18,617 3	82,800 2

ESEA SURVEY PART THREE (Continued)

Program #26 School Library Resources, Textbooks and Other Instructional Materials

	TOTAL SAMPLE		REGION				
	N	MEAN OR %	North= East	South-East	Mid-West	South-West	Far West
7. How many of your students are eligible?							
Mean	23	13,785	41,500 N=2	8121 4	19,300 9	7608 3	540 2
8. How many of your students actually participated?							
Mean	23	10,251	- N=1	8122 4	14,466 9	7275 3	540 2
9. Contact person in your state							
% Wrote name	31	52%	55	12	54	60	100
% Don't Know	29	48	45	88	46	40	0
	60		N=11	8	24	5	4
10. Constitutional Prohibition							
% Yes	3	8%	0	0	18	0	0
% No	36	92	100	100	82	100	100
	39		N=4	8	17	4	2

TABLE 9

ESEA SURVEY PART THREE

Summary Statistics

Program #28 Supplementary Educational Centers and Services

	TOTAL SAMPLE		REGION				
	N	Mean or %	North-East	South East	Mid-West	South West	Far West
1. Are you aware of this program?							
% Yes	26	59%	75	60	56	60	0
% No	18	41	25	40	44	40	100
	44		N=8	5	18	5	3
2. Participating currently?							
% Yes	19	53%	75	60	33	20	0
% No	25	57	25	40	67	80	100
	44		N=8	5	18	5	3
3. Extent of eligibility practicing Mean							
4. Amount of funding in your local agency							
5. % of funds given non-public children Mean							
6. Estimated dollar value of services Mean							

ESEA SURVEY PART THREE
(Continued)

Program #28 Supplementary Educational Centers and Services

	TOTAL SAMPLE		REGION				
	N	MEAN OR %	North=East	South-East	Mid-West	South-West	Far West
7. How many of your students are eligible?							
Mean							
8. How many of your students actually participated?							
Mean							
9. Contact person in your state							
% Wrote name	51	84%	64	63	96	100	100
% Don't Know	10	16	36	38	4	0	0
	61		N=11	8	25	5	4
10. Constitutional Prohibition							
% Yes	1	7%	0	0	25	0	-
% No	13	93	100	100	75	100	-
	14		N=3	3	4	2	0

TABLE 10

ESEA SURVEY PART THREE

Summary Statistics

Program #32 Surplus Property Utilization

	TOTAL SAMPLE		REGION				
	N	Mean or %	North-East	South East	Mid-West	South West	Far West
1. Are you aware of this program?							
% Yes	38	86%	100	100	90	100	33
% No	6	14	0	0	10	0	67
	44		N=6	5	21	5	3
2. Participating currently?							
% Yes	28	67%	67	60	84	60	33
% No	14	33	33	40	16	40	67
	42		N=6	5	19	5	3
3. Extent of eligibility practicing							
Mean	14	68.57					
4. Amount of funding in your local agency							
5. % of funds given non-public children							
Mean							
6. Estimated dollar value of services							
Mean							

ESEA SURVEY PART THREE
(Continued)

Program #32 Surplus Property Utilization

	TOTAL SAMPLE		REGION				
	N	MEAN OR %	North= East	South- East	Mid- West	South- West	Far West
7. How many of your students are eligible? Mean							
8. How many of your students actually participated? Mean							
9. Contact person in your state % Wrote name % Don't Know	54 7 61	89% 11	82 18 N=11	88 12 8	88 12 25	80 20 5	100 0 4
10. Constitutional Prohibition % Yes % No	1 19 20	5% 95	0 100 N=2	0 100 4	10 90 10	0 100 4	- - 0

TABLE 11

ESEA SURVEY PART THREE

Summary Statistics

Program #40 Head Start

	TOTAL SAMPLE		REGION				
	N	Mean or %	North-East	South East	Mid-West	South West	Far West
1. Are you aware of this program?							
% Yes	45	94%	100	86	100	100	67
% No	3	6	0	14	0	0	33
	48		N=8	7	21	5	3
2. Participating currently?							
% Yes	17	35%	38	14	43	20	0
% No	31	65	63	86	57	80	100
			N=8	7	21	55	3
3. Extent of eligibility practicing							
Mean							
4. Amount of funding in your local agency							
5. % of funds given non-public children							
Mean							
6. Estimated dollar value of services							
Mean							

ESEA SURVEY PART THREE
(Continued)

Program #40 Head Start

	TOTAL SAMPLE		REGION				
	N	MEAN OR %	North=East	South-East	Mid-West	South-West	Far West
7. How many of your students are eligible?							
Mean							
8. How many of your students actually participated?							
Mean							
9. Contact person in your state							
% Wrote name	56	92%	82	100	96	100	100
% Don't Know	5	8	18	0	4	0	0
	60		N=11	8	25	5	4
10. Constitutional Prohibition							
% Yes	1	8%					
% No	12	92					
	13						

The National Association of Independent Schools submitted a listing of their Federal Programs most in use by their member schools. Their statement is quoted below:

> "Of the 43 Federal Assistance Programs named in the survey, we believe that the ones that our member schools have been involved in to any significant degree are those listed below. We have attempted to list them in the order of the estimated degree of use as measured by number of schools participating. We would point out that sometimes number of schools involved is not a real measure of the value of a program since a few schools involved substantially in a program may be more significant than many involved marginally. Thus, though Upward Bound appears well down the list, because only 6 or 8 schools have sponsored Upward Bound programs, this is a respectable proportion of the total number of Upward Bound programs and they have been highly significant to the schools involved and to the students served.
>
> 1. Commodity Distribution - Surplus foods
> 26. School Library Resources and Text Books (Title II, ESEA)
> 39. Pre-College Education in Science
> 20. Guidance, Counseling and Testing
> 27. Strengthening Instruction in Arts and Humanities
> 18. Encouraging Education Careers
> 5. School Milk Program
> 4. School Lunch Program
> 32. Surplus Property Utilization
> 19. Foreign Language Training
> 31. Overseas Education and Training
> 28. Supplementary Educational Centers (Title III, ESEA)
> 41. Upward Bound
> 25. School Equipment and Remodeling (Loans)
>
> The New York State Association of Independent Schools, whose membership is made up of 98 independent schools representing a reasonable cross section of the types and sizes of schools in the NAIS membership as a whole, were recently asked to report their participation in various programs of government aid, both federal and state.

> The two federal programs cited most frequently were the Commodity Distribution Program and the School Library Resources Program (Title II, ESEA)
>
> As to participation in ESEA Title I, to the best of our knowledge, few individual schools have participated directly in this program, although, in two or three instances, groups of schools which have cooperated in providing special summer programs for substantial numbers of disadvantaged children from urban areas, have been eligible for some funding through Title I and this has been most useful. An example of this is the Educational Enrichment Program in Boston which is sponsored by 7 independent schools in cooperation with the Boston Public Schools and has received Title I support of approximately $50,000 per year in each of the last three years.
>
> Over the years, the programs of the National Science Foundation and of the NDEA, and later the Higher Education Act, offering opportunities with stipends for teachers to participate in institutes of advanced study of varying kinds have been widely used and of significant help to a substantial number of teachers in NAIS schools."

A Table in use by the President's Commission and School Finance indicates the Federal Programs considered major by that Commission.

TABLE 12 FEDERAL FUNDS FOR CHILDREN IN NONPUBLIC SCHOOLS

Major Federal programs and estimated Federal expenditures for children in nonpublic elementary and secondary schools: United States fiscal year 1968 (In thousands of dollars)

Federal Program	Expenditures
TOTAL	$123,501
Elementary and Secondary Education Act of 1965 (P.L. 89-10 as amended)	
Title I (Improve education for children that are educationally disadvantaged)	46,308
Title II (Library books, textbooks, and audiovisual materials)	11,345
Title III (Supplementary educational centers and services)	14,700
National Defense Education Act of 1958 (P.L. 85-864 as amended)	
Title III (Loans for purchase of equipment insturctional materials and minor remodeling for science, mathematics, foreign language, history, civics, geography, economics, English, and reading-including $9,000 for arts and humanities under authority of sec. 12, National Foundation of the Arts and Humanities, Act of 1965)	257
Title V-A (Testing students)	129

TABLE 12 (Continued)

Federal Programs	Expenditures
Economic Opportunity Act of 1964 (P.L. 88-452 as amended)	
Follow Through program (Delegated to the Office of Education - for first, second, and third grade students that participated under Head Start)	262
Federal Property and Administrative Services (Act of 1949 (P.L. 81-152 as amended)	
Surplus property utilization (Provides Federal surplus property for all schools including tools, furniture, and machinery)	1,000
National School Lunch Act of 1946 (P.L. 79-396 as amended)	
Provides Federal funds and foods for use in school lunches - Funds	20,000
- Commodities	17,000
School Milk Program (P.L. 89-642)	
(Provides funds for purchase of milk for school children)	12,500

From the survey data of the present study and from comparisons with other listings of "important" Federal Assistance Programs a great deal of overlap occurs in the mention of key programs. What is perhaps not noticed in its absence is the overriding number of Federal Programs which are not mentioned at all.

At the outset of building the ten questions for the Survey Sheet concerning the 43 programs a Federal official reacted to the question "Are you aware of this program?" He indicated that from a natural shyness alone respondents would not admit unawareness of any Federal program. In fact, perhaps the greatest response to the Survey was "no" to awareness of the largest number of programs listed in the Inventory.

A serious attempt was made to supply hard financial figures for all the programs, such as that supplied in the table above from the President's Commission on School Finance. After traveling around various offices in H.E.W. in Washington, one project researcher inescapably came to the conclusion that financial data concerning nonpublic participation in Federal Programs was unattainable.

The project member insisted on reviewing State Annual Evaluation Reports for the latest years and was lead to the document rooms where they are stored. The accompanying Federal official was as gracious and as helpful as possible; nothing was withheld in any way. But, again, it became evident that the accounting procedures themselves really hide the true financial status of nonpublic participation in Federal programs. It must be understood that no kind of intentional discrimination appears to be involved, rather the system of recording does not provide and insure adequate information in a form useable by the public.

The basic problem lies in the fact that most of the figures (including those quoted in the President's Commission on School Finance, Table 12,cited above) are extrapolations rather than true accounting figures. A wry remark was made in an official's office "Any similarity between the quoted figures and the real ones indicating non-public participation in Federal Programs is purely accidental."

B. Title I

The Instrumentation -- the 1971 Follow-up Questionnaire on the participation of Non-Public School Children in ESEA Title I Programs asked 84 questions concerning the participation of non-public schools and their children in Title I programs. These questions were clustered in eight categories, as indicated in the review section of this study.

The questions were developed by the team as a result of culling items which had drawn the most significant responses in previous studies of this same Title's impact. The items appeared, as well, to a reviewing group to be pertinent to questions still being asked in public circles about the impact of Title I. Notable among these places are the hearing rooms of the House of Representatives and its Committee on Education and Labor, as cited in the source paragraph of the previous section.

The majority of questions required a "Yes", "No", or "I don't know" response. In Category VIII, Recommendations, the participants were requested to give more open-ended answers at any length to explain their position on past, present, or future aspects of Title I.

Participants -- The participants, again, were selected to be representative of a variety of positions in the school hierarchy, of geographical areas of the United States, and of both public and non-public sources of school control. The specifics of each of those bases of variety in representation are the same as those for the Inventory.

The Longitudinal Data:--As was evident from the source paragraph in the review section of this study, Title I has attracted a great deal of attention from both the public and private sector of Education and the Federal officials as to the reality and appropriateness of its impact. As with any vast governmental project, involving vast sums of money, Title I has thus drawn an inordinate amount of fire from both its enemies, to destroy or maim it, and its friends to repair and strengthen it.

The present sub-section aims to summarize and point up some of the Title's past strengths and weaknesses as the setting for better understanding of the present data and conclusions.

Title I has indeed declared that all poor children, even those enrolled in non-public or church sponsored schools, are eligible for intensive and immediate governmental assistance. The translation of intentions of Congress into programs and services is an ongoing task that demands constant and careful evaluation, particularly with respect to the poor who subscribe to non-public education for their children. It has been imperative first to measure the effectiveness of the framework rather than the substance of Title I programs vis a vis non-public school children. In essence, this framework consists of new patterns of initiative, understanding, and cooperation -- too often lacking in the past -- that must provide the setting for projects and programs under Title I.

The 1967 National Study:--The 1967 National Study, sponsored by the United States Office of Education, entertained the following objectives:

1. to study changes in administrative relationships which developed between public and non-public sectors at the Federal, state, and local levels during the first 18 months of Title I programs;

2. to describe the involvement of local non-public school officials in the planning, development, operation, implementation and evaluation of local Title I projects;

3. to identify factors which, in the judgment of both public and non-public school officials, have either facilitated or impeded cooperation and progress;

4. to identify and describe practical operational problems which inhibit participation of non-public school children in Title I projects;

5. to describe the foci of Title I projects available to non-public school children;

6. to determine the relative importance of Title I projects for eligible non-public school children as perceived by public and non-public school administrators, and to solicit their recommendations for improving Title I;

7. to identify and describe existing or planned curriculum changes in non-public schools related to the participation of non-public school children in Title I projects.

The National Study included ten large school systems (1,000,000 to 36,000 students), ten medium school systems (36,000 to 10,000 students), and ten small school systems (10,000 students or less). Each of these 30 systems was in a different state.

The data reported in this study justified the conclusions that, in some settings, adherence to state constitutional safeguards resulted in only token communication with the non-public educational sector by state education officials, and in only minimal involvement of non-public school children. Some non-public school officials, therefore, questioned the legality of allowing such states to accept the full amount of the maximum basic grant.

Clearly evident in all 30 cases was the fact that many local school officials, both public and non-public, operated during 1966 on the basis of incomplete and even erroneous understanding of the Act. In some instances, non-public school personnel sought participation in a manner clearly beyond the intent of Title I. In any case, action, when the product of ignorance or misunderstanding, had a debilitating effect on the spirit of cooperation and trust between the two types of educational systems.

In a majority of cases studied, a dual criterion for selection of non-public school participants was used. The child had to be both economically and educationally deprived. For the most part, any public school child attending a school located in "the target area" qualified as a participant if he met the single criterion of being educationally deprived.

State education agencies had established no formal procedures for involving diocesan educational authorities in studying the extent to which projects serve the needs of children in the schools for which the diocese was responsible. Nor had diocesan officials been given an opportunity to serve as consultants in the review or the evaluation of projects.

A major impact of Title I on non-public schools was recognition of the need to augment and modify the administrative structures of these schools in order to provide maximum opportunities for children who were eligible for Title I assistance to obtain the advantages explicitly legislated for them by the Federal Government.

There was significant increase in the number of Catholic dioceses in which a coordinator of government programs was appointed. The creation of statewide associations of dioceses was at least in part attributable to the recognition of a need for a centralized agency or clearing house to promote improved communication and to provide more effective dissemination of information to Catholic school officials at every level. There was a general desire for greater involvement with state education agencies on the part of diocesan school administrators.

A closer working relationship between sectors became imperative for the resolution of problems limiting the participation of eligible non-public school children.

Uncertainty and inconsistency were characteristic of contacts between local coordinators and Catholic school officials, particularly in medium and small local school districts. Usually, these local agencies were located at a considerable distance from the diocesan school headquarters and the Title I coordinator of the locality had difficulty in identifying his non-public counterpart.

The 1967 National Study supported the conclusion that effectiveness of communication between public and non-public school personnel within a school district was more a matter of personalities involved than of any other factor. The quality of relations between sectors is non-systematically related either to the size or the regional location of the school district.

The most frequent dissatisfaction expressed by non-public school officials pertained to what they saw as substantial differences between the thrust of projects as approved and implemented, and the character of projects as they had been discussed and presumably agreed upon in preliminary meetings.

While some school districts provided opportunity for informal evaluations, in no instance did non-public school personnel assist in the preparation of project evaluation reports. In a small number of cases, a copy of the completed local Evaluation Report was sent to the non-public school contact, but this procedure was not followed for the most part.

The church - state issue did not appear to be a factor of any great significance in relationship between the two sectors even though, in a few instances, misunderstandings on both sides gave rise to animosities and antagonisms.

Scheduling activities at times and in places which made it difficult, if not impossible, for non-public school children to be present was the most important factor holding down enrollment of the non-public school children who were eligible for Title I assistance.

In an appreciable number of projects, funds were used exclusively to hire additional public school teachers in order to reduce teacher-pupil ratios in public schools, to conduct in-service training programs -- with non-public school teachers ruled ineligible for participation, to improve administrative services within the public school system, to purchase equipment and materials which, in some cases, were never or only infrequently made available to non-public school personnel, and to employ teacher aides who were assigned only to public school classrooms. In such situations the eligible non-public school children received nothing like comparable benefits to those extended to their public school counterparts.

The centrality of the local education authority, as intended by legislation, was apparent in the cases included in the study. Commonly, local authorities seemed to have designed projects to meet the needs -- as they themselves perceived them -- of eligible children in the public sector, and then to attempt to accommodate non-public school children with corresponding needs.

While legally defensible, a problem with this approach was that available space in the public schools was often so limited that quotas for non-public school participants were established.

Another important weakness, evident in practically all education agencies studied, was the failure to provide non-public school administrators with data pertaining to the experience and progress of non-public school participants in projects. It would appear that local education officials have not yet accepted or fully embraced a concept of shared responsibility and of cooperative effort in eliminating educational deprivation for non-public school pupils.

An aspect of Title I which apreared to warrant more careful consideration by local education authorities was the plight of non-public school children who resided in a target area but whose school happened to be located beyond the bounds of the defined target area. The problem here was to make benefits available for eligible non-public school students who attend private schools outside the target area. It was not possible to estimate the number of eligible children affected by this situation for the purpose of this study.

In summary, then, the 1967 National Study found the extent of participation by eligible non-public school children in the benefits of Title I in a particular school district to be dependent on three factors.

1- State constitutional provisions affecting such matters as free bussing of non-public school pupils, and the rulings of attorney generals on points where ESEA authorized activities may conflict with the intent of the state constitution or with decisions of state courts;

2- The readiness of non-public school officials to insist on benefits for their eligible students comparable to these provided for public school participants, and

3- The philosophy of the local education agency as reflected in preparing project applications with varying levels of emphasis on children's needs, including those of eligible non-public school children.

The 1967 National study recommended that states with legal barriers which prohibit or limit involvement of non-public school children be awarded only that part of the maximum basic grant which reflects the number of eligible children enrolled in public schools. The balance of the grant, based on eligible children attending non-public schools, would be withheld until such time as constitutional obstacles to full implementation of Title I were surmounted, or until a new agency or instrumentality is established to provide benefits to all children entitled under the Act.

One of the state agencies included in the 1967 National Study recommended that local authorities establish a method of determining the dollar amount of services provided to eligible non-public school children. The extension of such a procedure to all state agencies would provide a basis for determining more precisely than now possible the extent to which the comparability factor -- as defined in the Rules and Regulations -- is being achieved in practice.

Some officials for both sectors must be fully informed about all changes in Title I, about state constitutional and statutory provisions concerning aid to non-public schools, and about all rulings already made or pending by state Attorneys General.

A reorganization of diocesan school systems was strongly recommended. More leaders were needed with fewer responsibilities. Authority to act should accompany administrative responsibility. Particularly in small and medium communities located at considerable distance from their diocesan school offices, there was a pressing need for an official designation of the proper representative of Catholic education in the area. Written notification of such appointments should be sent to the proper officials of the local public school system and state department.

Local education agency administrative personnel should be made aware of their responsibilities towards all eligible children in a given geographical area.

A working partnership is required between public and private educational sectors at the state as well as the local level of Title I. Federal guidelines are merely guidelines and must not be interpreted as promulgated law.

Qualified non-public school personnel should be included as part of the talent pool. In some cases, approved projects could not be implemented because there was a dearth of qualified public school personnel in a given school district.

The study has made clear that there is need for a nationally supported research and development center focused on a study of non-public education in the United States, especially of the Catholic schools.

The 1968 New York City Study. -- The 1968 New York City study, sponsored by the New York State Education Department, sought the following objectives:

1. to examine the role of non-public school representatives in planning and evaluating Title I programs;
2. to examine the level, direction, and quality of communication and dialogue between the representatives of public and non-public education in New York City subsequent to involvement in Title I;
3. to study the comparability of programs provided for public and non-public school children;
4. to examine the criteria for participation in such programs.

The New York City Non-Public School Committee, at the request of the Boston College Project Staff, identified the non-public school representatives at the central office level. Field Survey Coordinators interviewed all of these individuals. In addition, Field Survey Coordinators obtained comprehensive lists of all public and non-public school representatives and interested citizens who had participated in Title I programs and were familiar with their operation. These people were also interviewed.

The New York City School System then consisted of thirty local school districts. Some Title I programs were planned, coordinated, and operated at the local school district level. These programs were referred to as "decentralized programs." For purposes of the New York City Study, ten of these local school districts were selected. The Project Staff selected a random sample of the Title I personnel in these local districts to interview for the study.

Based on an analysis of all available data and of responses to the interview guides employed, the Boston College Project Staff came to a number of conclusions and recommendations regarding the administration of Title I in New York City as it pertained to non-public school children.

Problems of communication were basic to every criticism made of the administration of Title I in New York City, 1968. Confusion was epidemic in proportion and was compounded by such factors as differences in the administrative behavior of district superintendents, in behavioral patterns of non-public school representatives, and by regulations of religious communities. Much confusion centered about the positions of Liaison Consultants and their assistants. Men and women with adequate backgrounds and a sufficient understanding of Title I legislation were in the first place, in extremely short supply. Most of those recruited for the delicate key positions in New York City had to have, at best, on-the-job training. Turnover in personnel was constant. Five of the six Code districts to which Liaison Consultants were assigned had a different individual serving them in each of the three years studied.

Hiring and certification policies for these positions contributed a fair share of misunderstanding and resentment. The Liaison Consultants presumably represent the denominations who nominate them and who review their reappointments. The

Consultants are, however, employed, paid (from Title I funds) and certified (when this does in fact occur), by the Board of Education. To whom then, do the Consultants owe primary allegiance? Ambiguity in this regard caused widespread suspicion in both the public and non-public sectors, severely limiting individual effectiveness and no doubt contributing to the high rate of turnover in personnel.

The source of frustration cited most vehemently by representatives of non-public schools, and attested to by officials at the central public level, was the total lack of communication with the New York City Board of Education at that time in which rests all decision-making power. The Board had never directly consulted the non-Public School Officials' Committee, much less the non-public school principals, for the purpose of planning and developing Title I programs. No Board of Education member had ever attended a planning session which included members of the non-public sector. The public hearings on Title I project Proposals, as then conducted, apparently pleased no one in either sector at any level. Few members of the Board of Education ever attended. Hearings were restricted to one-day sessions. As many as 100 speakers from all over the City were scheduled to be heard. Opportunity for serious discussion was considered almost nil.

Another source of grievance was the lack of communication between representatives of non-public education and the Council Against Poverty. The Council cooperated in the planning and development of all project activities and services under Title I.

This was stated on New York City Title I project application forms. The Project Staff was unable to discover any evidence indicating that Council representatives ever met with non-public school people to plan and develop centralized projects for non-public school children. Official minutes of the Title I Standing Committee revealed that representatives of the Council attended few meetings during the two years prior to the end of the study.

Perhaps the greatest weakness in the communications snarl related to individual school principals. The Boston College Project Staff found many who were completely ignorant of the planning procedures which took place at central office levels. Many other principals collected base line data on their students, determined their educational needs, suggested specific programs, and forwarded the information to the central level, at which point, all communication seemed to end -- both for public and non-public school administrators. A large annual turnover among principals, in both sectors, was a contributing factor. In many instances new to their positions, principals were so involved in building, staff and student problems that they had little or no time to devote to the Title I programs operation in their schools.

At a higher level, representatives of non-public education expressed resentment that Title I services denied to children in their jurisdiction in New York City were in fact being offered to non-public school children in other school districts of the State. This had resulted from interpretations of the law made by the State Education Department -- and/or by the New

York City Board of Education. They concluded that their children were being penalized simply because they lived in New York City where vocal special interest pressure groups about. This was, of course, denied by New York State Officials. The Assistant Superintendent of Schools of New York City in charge of the Bureau of Educational Research had primary responsibility for evaluating all Title I projects in the City. He and his staff selected outside agencies for conducting the evaluations. During the first two years of Title I, the Center for Urban Education was the only outside agency employed. Four additional agencies were employed during 1967-68.

In the opinion of the Project Staff, the timetable for project evaluations did not allow for any impact on programs for the following school year. During 1967-68, contracts were not signed with the evaluating agencies until October. Designs for evaluation were submitted in November or December and preliminary evaluations -- due in March, 1968 -- were not begun until January. Consequently, the preliminary evaluations submitted in March proved to be little more than restatements of preliminary outlines. Final evaluations were not due until late in the autumn of 1968.

Examination of final evaluation reports for the two previous years revealed that a number of reports were very general. Some merely described activities which took place or services offered. The reports were routed directly from the outside evaluating agencies to the Board of Education. Many public and non-public school principals whose students participated in Title I projects had never seen an evaluation report. In no case had non-public school representatives had an opportunity to attach statements of evaluation reports prior to their being submitted to the Board of Education.

Regret was expressed by an official of the Center for Urban Education that the evaluating agencies had not been involved during the planning phase of Title I projects. Later, the agencies were consulted after the project applications have been developed at the local level and approved by the State Education Department. In his experience, evaluation procedures were also hampered by lack of base line data on non-public school children.

In the area of comparability of public and non-public participation in the New York City Title I, teacher assignments to these programs were a source of friction between the two sectors from the beginning. Board of Education policy statements implied that an equitable distribution of available teachers was intended. In the opinion of non-public school officials, this had not been their experience. Available data were conflicting. Data seemed to demonstrate that, for the most recent school year, public schools received 90.9 per cent of the teachers they requested while the non-public schools received 88.4 per cent of those they requested. Numbers of teachers, however, by no means insured quality. Poor communication with those responsible for hiring was perhaps the salient factor, but it did not appear that the board had made a sufficient effort to remedy the situation.

Equitable distribution of qualified teachers went beyond this problem. Except for Speech Therapists for the non-public schools, teachers were systematically assigned to public or non-pubiic schools according to their years of experience and type of license. It was suggested that new teachers who wished to become fully certified in New York City could afford to remain in non-puplic schools for more than three years. In effect, once a new teacher gained some expertise in his speciality, he was no longer encouraged to serve the non-public school child.

Pupil teacher ratios continued to be a thorn in the side of non-public school officials. They disputed the comparability of service and benefits to their children under the then current ratios. One gross inconsistency was emphasized: it was proposed by the Board of Education that a proper ratio of guidance counselors to children needing some degree of psychological service would be one counselor for every two thousand children. For the 1966-67 school year, the public schools requested that 55 guidance counselors be assigned to them. The non-public schools asked for 44 counselors. The public schools actually received 51 guidance counselors while the non-public sector received 12.6 -- this figure, of course, reflected part-time service.

Issues surrounding curriculum seemed to transcend the public-non-public conflict and centered instead on the nature of remediation. Neither the total school program nor the special class approach appeared to have such effect on the achievement of children identified as needing remedial help. Base line data were not in all cases available, however CUE evaluation reports, although not conclusive, reinforced this observation.

Comparable participation by non-public school children in after-school programs also raised issues. Sentiment grew that the schools should offer an in-school program so enriched in content and design that after-school programs, as they then existed would indeed be unnecessary. Non-public school officials also claimed, with some reason, that "distance" prohibits comparable particiaation by their children. Seemingly arbitrary decisions on quota for after-school programs and -- once again -- poor communications added to disagreement in this area.

Decentralization magnified the problems of the after-school program situation. While the Board of Education was empowered to exert pressure and to attempt to rectify oversights on behalf of non-public school children, it was virtually powerless to direct the administration of decentralized programs. Non-public school officials, while anxious to demonstrate interest and support for the local communities, were gravely concerned that their children would be systematically eliminated from participation in Title I.

Equipment and the use of equipment was a source of friction from the outset of aid to non-public school children. Irritations sprang from such "bookkeeping" aspects as the late arrivals of materials, inadequate directions for their use, and unclear explanations regarding retrieval. There was the delicate matter of interpreting Federal law concerning the extent to which equipment can be used for eligible children attending a non-public school.

Consequent upon the data and conclusions of the study, as outlined. the project staff submitted a series of recommendations. To improve faculty and insufficient communications they suggested an increase in the number of Liaison Consultants. It was indicated that the number of Consultants be increased to eleven. Four should serve Code 1 (73 particpating schools); four should be assigned to Code 2 (65 participating schools); with two Liaison Consultants for Code 3 (33 participating schools); and with, as now, a single Consultant for the 17 schools grouped under Codes 4,5, and 6. This would distribute the work load more equitably, with each Liaison Consultant serving approximately 17 schools.

In general, it was thought the best long-term procedure to establish a ratio of non-public schools to Liaison Consultants for each Code, with this ratio not exceeding 20:1. A second ratio, not to exceed 2:1, of Consultants to Assistants for each Code.

The necessity of more frequent and better planned and attended meetings between the Members of the Board of Education, the Title I Standing Committee, the Council Against Poverty, and private school representatives was obvious as a recommendation for better intercommunication.

A series of recommendations centered on the need for more objective evaluations; for greater distribution of these; and more inter-participation of public and non-public groups.

The project team suggested that curriculum for after-school programs must also be reviewed. If existing programs can be justified, they must now be developed to motivate greater numbers of children to attend them. Quality must be clear. Psychological "distance", which is an apparent deterrent to non-public school children and their parents, must be studied. If, theoretically sound practices, children cannot attend programs because of a real threat to their safety, devices -- whether high school student escorts or relocation of the after-school classes in more accessible schools, even non-public ones -- should be seriously considered. A greater effort should also be made to accomodate Jewish day school students in the matter of scheduling classes at convenient times.

A final recommendation: some system of reporting should be developed to summarize financial data in such a way that comparisons can easily be made of expenditures of Title I funds both for public and non-public school children. The sums of money spent are not, of course, to be equated. Nevertheless, non-public school officials could better determine -- and be reassured about -- the extent to which their children benefit under Title I were they given access to after-school attendance records in central and decentralized programs, and financial information on the amounts spent in these programs.

The New York City Study staff found some rays of hope in the situation. So much white light, in these studies, is necessarily focused on that which is negative and which frustrates the intent of Congress in enacting Title I legislation that one heartwarming and perhaps remarkable fact goes almost unnoticed. This is the demonstrable eagerness to cooperate on the part both of public and non-public professionals at the local level. Indeed, the very existence of Title I has helped to create a whole new climate and opportunity for dialogue among teachers and principals in both sectors. It would appear that the day laborers in the vineyards of education are less beset by the fears and reservations regarding their common purpose than are elements further up the bureaucratic ladder. For those who bear the burden and the heat of day most immediately, the chauvinisms and animosities of another era have become acedemic.

The National Advisory Council On the Education of Disadvantaged Children Report of 1969. -- In January 1969, the National Advisory Council on the Education of Disadvantaged Children submitted its fourth annual report to the President of the United States. Part III of that report also dealt with the participation of non-public school children in Title I.

One cannot but be struck with the similarities of findings even over a longer period of time and the types of recommendations made.

Below are a number of the reasons suggested by the case-study findings by the Council to explain continued low participation.

1. Non-public school officials are rarely included in the planning and evaluation of Title I Projects.
2. Lack of interest on the part of non-public school officials.
3. Public school officials are prejudiced against non-public school participation because they think it's unconstitutional.
4. State constitutions, laws and attitudes complicate cooperation and consultation.
5. Federal guidelines are directed to state officials rather than local.
6. Insufficient follow-through at the federal level.
7. Title I projects are not established with non-public school children in mind. In fact, little effort is made to locate disadvantaged non-public school children.

Based on these findings, the Council offered, in early 1969, the following recommendations:

1. That the U.S. Commissioner of Education designate a special, visibly placed official to monitor all aspects of the participation of non-public school children.

2. That each state designate, in the Departments of Education, a liaison officer between public and non-public school officials.
3. That USOE and the states continue to urge the involvement of non-public school officials in the planning and evaluation of Title I at the local level.
4. That USOE put into one up-dated document regulations and requirements on the participation of non-public school children in Title I programs.
5. That the USOE disseminate examples of programs of successful participation of non-public school pupils.
6. That USOE and the states review the means of identifying eligible children and particularly of establishing target areas.
7. That where services to children justify it, there should be an increase in shared time programs.

The 1970 Boston College Follow-Up Survey.-- In June, 1970, the Staff of the Center for Field Research and School Services at Boston College conducted a limited follow-up survey to determine the extent to which the findings of previous studies were still valid. The Staff was also interested in determining whether earlier recommendations were being implemented, especially those of the 1969 National Council report.

A questionnaire was mailed to 149 representatives of Catholic dioceses across the country. The Center received a return of approximately 45%. The respondents represented dioceses from

35 of the 50 states, and were from all regions of the country.

The results of this limited survey appear below:

	YES		NO		I DON'T KNOW		OTHER RESPONSE OR NOT APPLICABLE		
	N	%	N	%	N	%	N	%	100%
1. Has an official been designated at the national level to monitor all aspects of the participation of non-public school children in Title I programs?	24	36	16	24	24	36	2	4	66
If the answer to question #1 is "YES" please answer the following questions:									
*1A. Is the official who has been designated at the national level accessible?	18	27	4	6	4	6	40	61	66
*1B. Does this official have sufficient time to perform the requisite duties?	8	12	8	12	11	17	39	59	66
*1C. Does this official have sufficient resources to perform the requisite duties?	8	12	6	9	12	19	39	60	65
2. Has an official been designated at the state level to monitor all aspects of the participation of non-public school children in Title I programs?	26	41	33	51	5	8	0	0	64
If the answer to question #2 is "YES" please answer the following questions:									
**2A. Is the offical who has been designated at the state level accessible?	25	38	2	3	1	2	37	57	65
**2B. Does this official have sufficient time to perform requisite duties?	11	17	5	8	10	16	39	59	65

	YES		NO		I DON'T KNOW		OTHER RESPONSES OR NOT APPLICABLE		
	N	%	N	%	N	%	N	%	100%
**2C. Does this official have sufficient resources to perform the requisite duties?	11	17	5	8	10	16	39	59	65
3. Has an official been designated at the local level to monitor all aspects of the participation of non-public school children in Title I programs?	36	55	28	43	1	2	0	0	65
If the answer to question #3 is "YES" please answer the following questions:									
3A. Is the official who has been designated at the local level accessible?	33	50	2	3	0	0	31	47	66
3B. Does this official have sufficient time to perform the requisite duties?	16	24	17	26	3	5	30	45	66
3C. Does this official have sufficient resources to perform the requisite duties?	17	26	15	23	3	5	30	46	65
4. Has the U.S. Office of Education urged the involvement of non-public school officials in the planning of Title I programs at the local level?	53	80	8	12	5	8	0	0	66
5. Has the U.S. Office of Education urged the involvement of non-public school officials in the evaluation of Title I programs at the local level?	35	53	18	27	13	20	0	0	66
6. Has the State Department of Education urged the involvement of non-public school officials in the planning of Title I programs at the local level?	44	67	20	30	2	3	0	0	66

*Some respondents answered this question without answering "YES" to item #1.

**Some respondents answered this question without answering "YES" to item #2.

	YES		NO		I DON'T KNOW		OTHER RESPONSES OR NOT APPLICABLE		
	N	%	N	%	N	%	N	%	100%
7. Has the State Department of Education urged the involvement of non-public school officials in the evaluation of Title I programs at the local level?	27	41	31	47	7	10	1	2	66
8. Have formal reports of Title I programs in which non-public schools have participated successfully been disseminated?	20	31	36	55	2	3	0	0	65
9. Are there adequate means of identifying non-public school pupils eligible for Title I programs?	33	50	31	47	2	3	0	0	66
10. Has there been an increase in shared time Title I programs?	11	17	52	79	3	4	0	00	66
11. Do representatives of public and non-public schools in your Diocese meet so that there is common agreement as to the purpose and meaning of ESEA Title I?	34	53	24	37	1	2	5	8	64
12. Are meetings held between representatives of the public and non-public school systems in your Diocese for the purpose of planning Title I programs?	36	55	22	33	0	0	8	12	66
13. Are representatives of the non-public school systems requested to prepare documented estimates of the number of educationally deprived children enrolled in non-public schools located in poverty areas?	39	59	19	29	3	4	5	7	66

	YES		NO		I DON'T KNOW		OTHER RESPONSES OR NOT APPLICABLE		
	N	%	N	%	N	%	N	%	100%
14. Are non-public school representatives requested to furnish base line data relative to the eligibility of children for Title I programs?	25	38	29	44	8	12	4	6	66
15. Are non-public school representatives requested to determine the educational needs of eligible children enrolled in non-public schools located in poverty areas?	36	55	24	36	4	6	2	3	66
16. Are non-public school representatives requested to outline the special educational programs and services which, in their opinion, were required to meet the specific needs of eligible children enrolled in non-public schools located in poverty areas?	25	38	33	50	5	8	3	4	66
17. Are non-public school representatives permitted to review a Title I project application prior to its submission to the State Education Department for approval?	29	44	26	40	6	9	5	7	66
18. In your opinion, are public school representatives willing to involve non-public school representatives in the planning of Title I projects.	31	47	27	41	4	6	4	6	66
19. Do the representatives of the public and non-public school systems in your Diocese meet with each other to discuss the evaluation of Title I projects?	19	29	39	60	2	3	5	8	65
20. Have specific channels of communication and dialogue been established to be used by the representatives of public and non-public schools in matters concerned with Title I programs?	33	51	28	43	2	3	2	3	65

	YES		NO		I DON'T KNOW		OTHER RESPONSES OR NOT APPLICABLE		
	N	%	N	%	N	%	N	%	100%
21. In your opinion, do the officials of the evaluating agency appear willing to involve non-public school representatives in the evaluation of Title I projects?	20	31	36	55	7	11	2	3	65
22. Do non-public school officials dealing with Title I feel that public school officials are NOT treating their children fairly?	26	40	28	43	4	6	7	11	65
23. Would Title I programs be acceptable to all if public and non-public schools developed programs independently?	33	51	14	22	16	24	2	3	65
24. Do the criteria for eligibility for participation in Title I programs make it more difficult for non-public school children to participate than for public school children?	37	58	22	34	4	6	1	2	64
25. Do the present criteria for eligibility for participation in Title I favor public school children?	39	62	18	29	5	8	1	1	63

NOTE: N varies slightly from item to item because of missing data

It was significant that over 80 per cent of the respondents wrote extensive comments in addition to completing the questionnaire. Their statements gave indication of grave concern over the future involvement of eligible non-public school children in Title I programs in many parts of the country.

There were indications that the level of involvement of eligible Catholic School students bordered on tokenism. Respondents stated that while non-public school children were listed among those who were to become involved in programs, actual participation did not become a reality.

There are further indications that cooperation, communication, planning, and operations are better in large city areas. Relationships seem to deteriorate the further one gets from the diocesan school headquarters. Of course, this is not true in all cases. As one Catholic school superintendent on the West Coast stated:

> "There is a wide range of attitudes, procedures, projects, etc. among the 42 public school districts in which our 145 schools are located. There is not any 'yes' or 'no' answer to questions so generally formulated that they leave out of account this factor, which certainly must operate in most dioceses of the United States.
>
> In the largest single district within our Archdiocese -- San Francisco Unified -- cooperation has been as nearly ideal (in the last three years) as we could wish, in spite of many continuing programs. Among other features, our Title I project provides a full-time coordinator for non-public school participation, who is housed in the diocesan office and has high identification with both systems. Prior consultation, subsequent evaluation, and a high degree of discretion on our part about program components for our schools are characteristic of this project.
>
> In about 6-8 other districts, projects are significant, and cooperation generally satisfactory (though involvement in planning and evaluation is minimal).
>
> In the remaining 30+ districts, participation is minimal or nonexistent, but only in a few cases because of unwillingness to cooperate or ignorance of the district's responsibility to children in non-public schools."

Another quotation indicating the problematic situation four years after the Title I enactment:

> "In the fall of 1969, I personally read every single Title I proposal from public school districts in which the Diocese has Catholic schools. These proposals were, at the time, 'submitted and approved' at the State level (Tennessee). Nearly every one of them simply listed the statistical data on non-public schools, indicated in some vague way that they were to participate, and showed no documented evidence that the schools were ever contacted. An on-the-spot check of Catholic school participation were all negatives. Either token services were provided or none at all. One must get barbaric if any action is requested and provided. We need help from HEW if we are to participate significantly"

Another non-public administrator says:

> "Our experience for the fifth year has been a frustrating one. Guidelines are always in process. We are invited -- if we are at all-- after programs are designed that don't meet our needs -- to sign the paper on involvement and with promises of better things coming the next time they plan. Meanwhile, our returns from Title I are so meagre as to be non-existent. Our repeated requests to the State Department fall on deaf ears and our appeals to the District 9 office have been listened to cordially but any action is still forthcoming. We have requested the specific guidelines repeatedly to ascertain our eligibility. Were we to know we are not eligible and the State could confirm this, as we have also requested, we would cease wasting our energy!"

And lastly:

> "While communication and general working relationships is good between my associate and county coordinators, this situation has been forced into existence by my exposing the failures of the counties in the past to involve non-public school students and by threatened legal suit. Consequently, the higher public authorities tolerate our participation and their employees are generally favorable to us."

There was continued evidence in 1970 that the Catholic Schools in some dioceses had not yet adjusted their organizational patterns to improve communications with local school systems. Catholic School administrators continued to complain that neither they nor members of the staff were involved in the planning, execution or evaluation of Title I projects.

The 1971 Title I questionnaire Data: As mentioned previously, Title I questionnaires were mailed in April 1971 to approximately 450 individuals representing the public and non-public sectors. At the time of the computer analysis, 136 questionnaires had been returned of which 129 were usable. Forty-four percent of the respondents were public school personnel, half of the respondents were from the non-public sector and six percent were lay citizens (school board members, representatives of citizen action groups, newspaper men, etc.)

The geographic spread of the respondents included in the analysis was as follows:

22% - Northeast (New England, Delaware, District of Columbia, Maryland, New Jersey, New York, Pennsylvania)

21% - Southeast (Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia)

37% - Midwest (Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, Wisonsin

11% - Southwest (Arizona, Colorado, Idaho, New Mexico, Oklahoma, Texas, Utah, Wyoming)

8% - Far West (Alaska, California, Hawaii, Montana,
Nevada, Oregon, Washington)

At the time of the analysis, no responses had been received from South Carolina, Montana, Tennessee, Nevada, Alaska, Kentucky, Utah, and Colorado.

The complete questionnaire and data as analyzed are located in Appendix E. Included in this chapter of the report are selected findings relative to 1) the allocation of Title I funds, 2) state policy on review and approval of applications, 3) administrative relationships, 4) legal problems, 5) the involvement of non-public school personnel in planning, 6) the factors affecting actual participation in programs and 7) problems related to evaluation of Title I programs.

The major finding related to Title I funding is that the representatives of the non-public schools know considerably less about the allocation of funds and the expenditure of funds for Title I than do representatives from the public sectors. This finding related to Title I program support and expenditure is consistent with data pertaining to other federal programs discussed earlier in this chapter. Non-public school personnel especially and even some public school people still do not know how total allocations are being distributed, what the level of funding may be, and what percentage of the allocations are actually being spent.

It is well to note at this point that the main reason given as a factor which affects a reduction in non-public participation is the level of funding. Many public and non-public school administrators are concerned not only about the level of funding but also the timing of the appropriations from Congress.

Comments on allocating Title I funds: From a state department, director of federal programs:

> "The present allocation procedures are working reasonably well in our state. Problems result not from allocation procedures but from the sharing of services after the allocations are made"

A respondent from the west coast remarked, "Congress seems unable or unwilling to consider effects of late funding".

From the northeast the question is raised "Could the state withhold a percentage of funds for non-public school children and administer the fiscal aspects of the program?"

A respondent from a state which is involved with church-state problems says, "As long as we have this difficulty in achieving full and equal participation I would suggest that we receive Title I funds in the same fashion as we do for Title II via a by-pass."

And a Catholic school superintendent from the Lakes Region makes the appropriate point, "It's ridiculous to try to give every school district something. In small districts with small allotments of funds, the money is an insignificant 'going through the motions' projects. Unless there is an honest to goodness significantly larger number of pupils who qualify, let's forget about a special project!"

And finally from along the Mississippi River a nun comments, "I would like to see the state officials explain to us just how funds are allocated, and just how they do decide which schools are eligible and which are not." She had indicated earlier in her remarks that some of her most needy school had just been eliminated from the eligible list.

Most non-public school administrators desire that the funds follow the child. They feel that the needs of their children are not being met because they are not in control of funds made available because of the eligibility of children in their schools. As one administrator suggested maybe it is time to review the method of determining not only the funding level, but also the method of allocation to those children who are defined as eligible.

Data in Table 13 indicates that better than 50% of the non-public respondents felt that people from non-public schools were not involved in the review and approval of FY1969 applications. An almost equal number indicated that there is no greater involvement today in the review and approval procedure than there was in 1966-67. Sixty-two percent of the same respondents stated that non-public school officials are not invited by the state level to endorse applications prior to approval.

While seven out of ten of all of the respondents felt that since efforts have been made at the state level to carry out the extent of Title I legislation, this included 83% of the public sector people as contrasted with 53% of the non-public school respondents. In fact, 35% of the non-public school people did not feel that the state had made sincere efforts.

TABLE 13

State Policy on Review and Approval of Application for Federal Funds under Title I by Percent of Total Sample, Public School and Non-Public School Respondents

	T	P	NP	
17. Was a representative of your jurisdiction involved in the review and approval of FY, 1969 application?	34	17	55	- No
	49	67	28	- Yes
	18	15	17	- I don't know
18. Has there been greater involvement of your personnel in the review and approval of Title I applications since 1966-67?	23	23	52	- No
	55	67	41	- Yes
	10	10	7	- I don't know
19. Were non-public school officials invited by personnel at the State level to review application prior to approval?	41	38	51	- No
	23	21	20	- Yes
	36	40	29	- I don't know
20. Were non-public school officials invited by personnel at the State level to endorse application prior to approval?	43	32	62	- No
	19	25	12	- Yes
	38	43	26	- I don't know
26. In your opinion, have there been sincere efforts in your State to carry out the intent of ESEA Title I legislation regarding involvement of non-public school children?	19	8	35	- No
	70	83	53	- Yes
	11	9	13	- I don't know

COMMENTS ON STATE POLICY

Non-public school administrators feel strongly that they should have an opportunity to at least read and review applications for Title I projects before they are submitted for approval. As one respondent stated with regard to present procedures, "It's a farce!"

On the other hand one state has as an S.E.A. staff person, a nun who serves as a consultant for non-public schools. She is involved in the review of applications to consider the non-public school involvement. As she stated in her comments on the questionnaire, "I have been involved in all levels of education in this diocese, so I am familiar with and have a close relationship to the diocesan system. Now, I am a part time consultant for non-public schools in the State Title I office. In this capacity I work with the LEA's and the non-public schools to bring about closer relationships between them."

Another state department official says, "our state procedures require school districts to certify that non-public school officials within Title I project areas have participated in project planning. There has been some reluctance on the part of district officials to engage in bona fide planning dicussions but we have evidence that the situation is improving from year to year."

However, in some cases there is some question about data on applications, where a review is possible. As one eastern non-public school superintendent cited, "I find non-public figures on applications that are unreal. The state would have no knowledge under present review procedures to spot a falsification."

ADMINISTRATIVE RELATIONSHIPS

When asked to describe the relationship between the state Department of Education and the chief non-public school officials prior to Title I involvement, 76 per cent of the public respondent said good to excellent while only 35 per cent of the non-public group agreed. However, there is so much more agreement at least that relationships have not deteriorated. In fact 51 per cent of the total sample felt administrative relationships had improved as a result of Title I involvement.

TABLE 14

Administrative Relationships by percent of Total sample, public and Non-public respondents.

	T	P	NP	
27. How would you best describe the relationship between the State Department of Education and the chief non-public school officials prior to Title I involvement.	16	9	23	Poor
	27	15	41	Fair
	46	61	30	Good
	11	15	5	Excellent

TABLE 14
(Cont'd)

	T	P	NP	
28. How would you best describe the relationship between the State Department of Education and the chief non-public school officials resulting from Title I involvement?	0	0	0	- Relationships have deteriorated
	49	49	49	- Relationships are the same
	51	51	51	- Relationships have improved
29. Did the public or non-public sector initiate communications?	26	33	12	- Public sector
	23	7	43	- Non-Public sector
	50	61	45	- Both public and non-public sector
30. Is there evidence of mutual understanding of the educational systems, both public and non-public?	12	4	20	- No
	77	88	53	- Yes
	11	8	13	- I don't know
31. Is there a mutual respect for compentency in matters dealing with ESEA - Title I	12	2	23	- No
	66	82	53	- Yes
	22	16	25	- I don't know

As one nun summarized her perception of the administrative relationships between the public and non-public sectors, "The needs of non-public school children are seldom considered. Rarely are non-public school officials consulted on programs. Never do they have the authority to initiate programs. They are always assured that children in non-public schools are eligible and must participate, but for the most part, these are empty words. Nothing is ever done - except that we fill out questionnaires for sympathetic people who have no power to change the situation."

And a leading Jewish educator said, "The single, most fundamental injustice which has been consistently practiced by public school officials has been the consistent and galling refusal to recognize the status of non-public school officials. The sooner public school officials abandon the lord and vassal, feudal concept of administrative relationships, the sooner will there emerge a true partnership for the benefit of all children."

This latter statement may accurately reflect the results shown in the data for item 31 in Table 14. When asked if there was a mutual respect for competency in matters dealing with ESEA Title I, there seemed to be some difference of opinion between the public and non-public groups.

LEGAL PROBLEMS

While most states seem to have eliminated Constitution prohibitions, there are still some few questions about constitutional interpretations by an Attorney General. One such case is illustrated by the following comments by a priest for one of the mid-western states.

"The major problems are two: a) a restrictive Constitution, b) a consistent posture assumed by the State Attorney General interpreting the State Constitution in a restrictive fashion. We are presently trying to place a referendum on the ballot in 1972 which would permit Federal funds to carry out the legislative intent. In the meantime, we have initiated one court case. One solution which might seem radical to some people would be to simply cut off all federal educational funds to the State until the State could guarantee complete cooperation with the federal legislative intent and guidelines." This same diocesan superintendent goes on to say that in 1965 the legal problems were serious and they still are. After expressing feelings of frustration, he states, "... these legal problems still place our school officials in a position of receiving crumbs off the table. ... I have no choice except to militantly battle for equal and full participation.

TITLE I PROGRAM PLANNING

The Advisory Council in their 1969 Report recommended that the USOE and the States urge the involvement of non-public school officials in the planning of Title I programs.

Eighty per cent of the non-public school officials in the 1970 Follow-up felt the USOE was urging involvement in planning. Fewer (67 per cent) thought the state departments were urging involvement, and only 47 per cent felt they were actually being involved at the local level.

When asked in the 1971 Follow-up "Were non-public school officials consulted in determing the needs of non-public school children?" 90 per cent of the public school respondents said "yes", while 56 per cent of the non-public school respondents said "yes".

In the 1971 Survey, when asked "to what extent were representatives from the non-public sector involved in planning projects?" 49 per cent of the non-public school respondents said only "moderately"; an additional 33 per cent said "not at all."

TABLE 15

Involvement of Local Non-Public School Officials in Planning by Per Cent of Total Sample, Public and Non-Public Respondents.

	T	P	NP	
44. To what extent were representatives from the non-public sector involved in planning projects?	19	6	33	- They were not at all involved
	58	76	49	- They were moderately involved
	23	18	18	- They were highly involved
45. Were non-public school officials consulted in determing the needs of non-public school children?	19	2	37	- No
	74	90	56	- Yes
	7	8	7	- I don't know
46. Were non-public school officials consulted in determining the final content focus of projects?	26	14	39	- No
	62	76	46	- Yes
	12	10	14	- I don't know

OPERATION AND IMPLEMENTATION

Data from the 1971 Survey indicates the continuation of involvement in both academic year programs and summer experiences. Both public and non-public school respondents seemed to agree that involvement in programs in the summer may be slightly more prevalent than during the academic year.

Table 16 shows the respondents reactions to some factors which had been identified in previous studies to have contributed to the reduction of non-public school pupil participation. The major reason presently seems to be the level of funding as mentioned previously.

Data from the most recent survey also indicates that remedial reading is the major content focus for programs in which non-public school children are participating. While some remedial specialists are being made available to non-public schools there are fewer guidance counselors and curriculum specialists assigned.

TABLE 16

Factors Contributing to limited Participation by per cent of Total Sample, Public and non-public Respondents.

	T	P	NP	
55. Was the location of the program related to minimal participation?	49	52	44	- No
	28	28	31	- Yes
	22	20	25	- I don't know
56. Did the time schedule of the program decrease non-public participation?	59	64	48	- No
	21	18	29	- Yes
	21	18	23	- I don't know
57. Did the availability of personnel affect participation in a negative way?	60	75	43	- No
	16	4	28	- Yes
	24	21	28	- I don't know
58. Did the cooperation from public school people cause minimal non-public participation?	64	73	54	- No
	14	4	27	- Yes
	22	23	19	- I don't know
59. Was the level of funding a factor in affecting participation?	32	48	20	- No
	47	46	45	- Yes
	21	6	34	- I don't know

EVALUATION

The Advisory Council in 1969 recommended that the USOE and the involvement of non-public school personnel in the evaluation of Title I at the local level. The data from the 1970 follow-up study showed the same trend as was true in planning. While 53 per cent of the respondents felt the Federal officials were urging involvement of non-public school people in evaluation, only 41 per cent of the respondents felt the state departments were urging this activity. When asked whether they were or had been involved in the evaluation of Title I programs at the local level, only 29 per cent said "yes".

The 1971 follow-up study raised a series of questions concerning the evaluation of Title I programs. As the data in table 17 indicate when asked "Were non-public school personnel involved in project evaluations?", 48 per cent of the non-public respondents said "no". A larger percentage indicated that they did not review project evaluation reports, with almost an equal number indicating they do not receive a copy of the evaluation report.

TABLE 17

Problems related to Evaluation of Title I Projects by per cent of Total Sample, Public and Non-Public Respondents

	T	P	NP	
73. Were non-public school personnel involved in project evaluations?	37	27	48	- No
	49	59	38	- Yes
	14	14	14	- I don't know

TABLE 17
(Cont'd)

	T	P	NP	
74. Did non-public school personnel review the project evaluation reports before they were submitted to the State Department of Education?	47	29	66	- No
	23	25	16	- Yes
	30	46	16	- I don't know
75. Did non-public schools reveive copies of the evaluation reports?	41	22	64	- No
	33	35	28	- Yes
	25	43	9	- I don't know
76. Have evaluation procedures been hampered by a lack of base line data on non-public school children?	38	24	49	- No
	30	45	14	- Yes
	33	31	37	- I don't know
77. In your judgment, were Title I projects effective in meeting the needs of public and non-public school children?	22	12	33	- No
	64	78	47	- Yes
	14	10	19	- I don't know
78. Have test scores and other data on non-public school children who participated in Title I projects been forwarded to their respective schools?	19	18	25	- No
	44	64	40	- Yes
	37	38	35	- I don't know
79. Are you aware of any changes in educational practices (testing, curriculum, etc.) that have taken place in the non-public schools of this community as a result of the involvement of their pupils in Title I projects?	60	59	65	- No
	40	41	35	- Yes

One of the most interesting findings from the 1971 follow-up study just completed is that 60 per cent of all respondents (59 per cent public and 65 per cent non-public) indicated that they were not aware of any changes in educational practices that have taken place in non-public schools as a result of involvement in Title I projects.

One individual who serves as an official in a Community Action Agency for a large county summed things up this way:

"I have been quite displeased at the inactivity of the Title I Advisory Committee (on which he served), and have transmitted this view to the school system. The committee has not really helped to plan or evaluate or provide input into the Title I program. Our few and brief meetings have generally just consisted of school officials passing some information on to us and/or rubber stamping a proposal that required approval of the Advisory Committee under federal regulations. For this reason, I would suspect that the input for planning and evaluation on the part of non-public schools has probably been negligible as well."

SUMMARY

According to some respondents to the 1971 Survey, some factors that cause problems related to Title I are that public school officials feel they are working only for the public school system, that some public school officials feel that no money should be used to aid non-public school children, that LEA officials are authoritarian in their control of Title I programs, that communications between public and non-public schools officials are still inadequate, that some state statutory restrictions are detrimental to participation, that the inflexibility of students' schedules do not allow time for involvement, or that moneys presently allocated are insufficient for the needs of public school children without including non-public school children. And then, as one southern member of a state department of education indicated, "Many non-public schools came into being to evade the Civil Rights legislation and are not schools of quality."

However, according to a public school representative from the west coast, "The problem stems largely from honest and sincere differences in political philosophy and the absence of clear-cut and consistent court decisions and interpretations. There is also the natural and understandable inclination for school officials, both public and non-public, to look after the interest of the pupils for whom they feel most responsible. Schools within both sectors are finding it increasingly difficult to finance their programs."

Yet, there is a national responsibility for leadership. The National Advisory Council on Education of Disadvantaged Children in their January 1969 report recommended that the U.S. Commissioner and the States designate an official to monitor or serve as liaison for Title I programs with specific responsibility to the non-public school involvement question.

From the June 1970 follow-up study, there was evidence that many non-public school people were not aware of anyone designated at the federal level, and 51 per cent of the 1970 respondents stated that no one at the state level had been given this responsibility.

As of May, 1971 there is still no individual in the USOE designated to serve as liaison with the non-public sector and few states have designated such a person.

Mr. John Cicco, Superintendent of Schools, Diocese of Pittsburg, who formerly served as a consultant in Title I at the U.S. Office of Education stated in an interview,

"Overall, things are looking very badly for non-public school participation in the program. Nationally, we're not getting the participation we should be getting. According to the official records, the non-public school sector is getting about 6 per cent numerical participation and 4 per cent of the money. I suspect that the real percentages are even lower. To put it bluntly, we're regressing, rather than progressing."

The National Advisory Council on the Education of Disadvantaged Children in their 1971 Annual Report for the President and the Congress on ESEA Title I "concentrated on three elements affecting the success of Title I - delivery of services, parent involvement and cultural diversity." It is significant to note that this most recent Annual Report does not mention the participation of non-public school children. But, as one non-public school superintendent wrote "What problem! Is there a problem? I think some poeple aren't aware there is a problem."

SECTION III

Summary and Recommendation

As a result of the developmental research on the Inventory of Federal Assistance Programs available to non-public schools and the longitudinal study of Title I the study team looked for a way of presenting the plethora of data in a succinct, yet telling summary.

Thus, three major areas of problems were considered to exist for those who attempt to create, administer, and carry out Federal Assistance Programs. These areas are 1) communication, 2) the law, and 3) administration. It is recognized that only a logical distinction can be made in all these problem areas since in reality they are all intertwined. It is, indeed, the substance of the law which constitutes the content of communication and it is the communication-content that occasions human emotionality which in turn, affects administration which, in full circle, attempts to change the substance of the law.

Communication

Within the communication area two aspects stand out: first, communication of content and, second, interpersonal communication.

As regards the content, it is clear that the Federal Government has not adequately told the story of Federal Assistance Programs to the real users, the people in the schools.

Indeed, the story is there; but it is buried in a mountain of legalistic terminology which only the hardiest can surmount. Communication involves the establishment of a commoness between sender and receiver. To be sure, the ordinary user of Federal Assistance Programs is not usually a lawyer, rather, he or she is a very involved, hard working school person, for the most part scarcely knowledgeable of his or her own education jargon, not to speak of the legal language of Federal Acts.

By way of evidence the present study showed that of 43 assistance programs sufficient information actually reached the user-audience for only 11 progrmas. The users, then, are simply not even aware of most of the programs. There is also evidence to show that even of the 11 more generally known programs, there is sparse understanding of the intent of the program, of the ways to connect to it; to participate in it, or monitor what is being done through the program.

These are sample quotations from users:

> "The wording of the act is most important. We have to be on top of each phrase or we are lost."
>
> "There is ambiguity in program guides and written directions regarding the equitable participation of non-public schools."

As indicated, much of the confusion or befuddlement of the users stems from the multiplicity of programs and either real or apparent overlapping of intent.

The only evidence of intelligent and manipulative command of Federal Assistance Programs is in larger, central offices where there is sufficient money to hire an expert in Federal programs. The most typical such office, on the national level is that of the Catholic Superintendent of Schools in larger cities. Most non-Catholic church-sponsored or Independent school groups do not have sufficient numbers and/or real jurisdiction over their members to make it worthwhile hiring a Federal program specialist.

The further "down among the people" one moves, the less is known about Federal programs. At many local levels -- the very place where the children are -- absolutely nothing is known. And thus silently and simply is thwarted the intent of the great Federal Government. It is indeed, reaching bureaucrats but not the people's children. Parenthetically, there is solid evidence to show that most information about Federal Assistance Programs scarcely moves out of the district school offices to the building principals in either the public or non-public schools. They simply receive prepackaged programs and dutifully implement them.

It is clear, then, that anything which so consistently thwarts the Federal intent is a real problem and must be dealt with.

The study team recommends 1) a study of Federal publications regarding its Assistance Programs with a view to making them true communication vehicles instead of frustrating assemblages of legal jargon. Sufficient monies should be set aside to ensure dissemination and popular understanding of Federal Acts as well as legalistic acuity.

It is relevant to note that of the 11 best known and most used programs seven deal with things (Food: school breakfast, school lunch, school milk; Equipment: Commodity Distribution, food service equipment, school library resources, surplus property). One should note also that these programs, for the most part, are administered by the Department of Agriculture, which publishes many, popular manuals explaining intricate and practical daily problems for simple and practical people. Writers in other Departments might well find a model in these manuals.

A second recommendation in the area of communication is 2) the establishment of an Office of Associate Commissioner to take charge of all communications on Federal Programs from Non-Public Schools. Each state in turn should have 3) an Office of Non-Public School Affairs in tandem with the Associate Commissioner. These offices should in turn have 4) field representatives who actually get "down among the people" to survey, assess, and adjust Federal Assistance Programs as they are in the field.

As far as it goes, communication through publications is indeed an effective vehicle: but it lacks an important ingredient, namely, feedback. The establishment of an office charged with dissemination of publications, following this up with opportunities for feedback through discussions with field representatives has proven a most effective means of communication. The Associate Commissioner and his office would constitute a highly visible source within the Federal Government for non-public schools to make contact. Again, the traditional field representative of the Agricultural Department or College, discussing specific problems of specific groups, would provide a model of more personal communication. The humanizing effect of this person-to-person feedback on the Federal Governments' image would do it no harm in the present day.

Beyond the content communications problems, a second and perhaps more elusive set of problems occurs in the area of interpersonal communication.

> "The single, most fundamental injustice which has been consistently practiced by public school officials has been the consistent and galling refusal to recognize the status of non-public school officials. The sooner public school officials abandon the lord and vassal, feudal concept of administrative relationships, the sooner will emerge a true partnership for the benefit of all children."

And again,

> "Much of the legal harrassment that has been initiated in connection with Title I can be traced to the archaic and atomistic attitudes of self proclaimed defenders of the Constitution. Emphasis on the role played by non-public schools on the part of Government officials might reduce the frequency and intensity of these attacks. The condescending attitudes of the LEA has resulted in a serious breakdown in communication."

And oppositely,

> "These non-public schools operate outside the governmental structure except where it is advantageous to them to seek governmental assistance. The non-public schools should be required to meet all the guidelines specified for public schools."

Encapsulated in the above quotations are samples of the human feelings expressed by good men seeking to do a good job for the children of the nation. The lack of actual establishment of any commoness between them as to purpose or method in helping children fairly cries out in these quotations shot between public and non-public educators of central office level in April of 1971.

This negative emotionality between persons clouds the central message of communication, in Federal Assistance Programs namely, how can we all work together to help all children. Again, in so doing, it effectively thwarts the intent of the Federal Government in helping children and constitutes a serious problem for the government.

> "Isolation, ignorance, religion, social and educational philosophy -- these are the root problems which prevent the success of these programs."

This above quotation from a study respondent is a listing of troubles which have, indeed, plagued humanity since the Tower of Babel. They crop up in most endeavors of even good men; and so they are present to us in Federal Assistance Programs. But they are cripplers nonetheless and ought to be faced to the best of our ability.

The study team again points by way of recommendation to the potential of 1) creatively written publications to make people aware of the damage such emotionalities produce. The Office of 2) the Associate Commissioner, 3) the State Non-Public

Official with its 4) field representation, could do much to help non-public school people learn how to use public assistance programs more adequately and to keep public school people aware of the true contribution afforded by non-public schools. An interpersonal public relations program could be set up to help do away with the "isolation and ignorance" and to increase tolerance to pluralism in "religion, social and educational philosophies."

The Law

The second major set of problems clearly lies in the field of the laws governing Federal Assistance Programs and of interpretation of those laws all the way down to the user.

Currently, Federal Legislation buries references to the non-public aspects of an Act in obscure parts of the Act. It is recognized that non-public education on a national level is but a small portion of the total education organ; but this very fact, in the light of many attitudes expressed about unconstitutionality makes the non-public schoolmen feel like small appendages who are merely tolerated and easily "appendectomized." The creation of an 2) Office of Associate Commissioner for Non-Public Education would have the obvious potential of ameliorating this situation; as would 3) State and 4) field representatives in their personal interviews with representatives of both points of view.

A second large area of legal problems at the Federal level is the Federal by-pass mechanism to prevent commingling of Federal funds by the States. The committee recommends that the Federal Government include the by-pass mechanism in all of the Federal Programs intended to help all the nations children in public and non-public schools. It has been the most successful procedure for getting help to all the users.

A third area of recommendation is a study of the mechanism by which non-public schools could be authorized to receive the Federal Assistance funds to help them directly plan and evaluate their programs for their own children. This would involve the same accounting procedures as the public schools.

At the State level an area of legal problems exists regarding the constitutional or statutory restriction on monies coming into the State for Federal Assistance to all children. The Federal funds are comingled with State funds and then are subject to any requirements of the State constitution or statutes.

A number of States (Oklahoma, Wisconsin, Nebraska, Missouri, South Dakota) have had restrictions against the use of State monies for non-public schools. Other States have overcome this position in varying ways, through interpretations of their Attorneys General and/or other procedural devices. This gives a confusing and unequal picture of Federal Assistance Programs nationwide. It does no good for the Federal Government to include statements forbidding fund-comingling, since once the funds are deposited in a State they inexorably must follow that States' sovereign constitution and statutes.

In States where restrictions exist against use of Federal funds for non-public schools, the study recommends an honest restudy of their human rights documents to see to what extent they are injuring considerable proportions of their citizens and their children by denying them, on an artificial legal basis, rights intended for them by their Federal Government.

Administration

At the Federal level, Congress makes provision for feedback through evaluative reports on Federal Assistance Programs. These are filled out by the States and sent to the Federal Government. A perusal of these reports -- as they treat non-public schools -- indicates a low level of accuracy about participation and monies spent on the non-public aspects of programs. Most figures appear to be mere extrapolations and general estimations. Admittedly in many programs the exact cost of each child's participation would be extremely difficult to specify.

The study team believes, however, an Associate Commissioner's Office would be able to determine the extent of extrapolation necessary and the amount of specificity which might be expected.

Further, many complaints were registered with the study team that the non-public schoolmen did not take any part in either the planning or evaluation of programs and felt they had no recourse except to other public officials known to be unsympathetic to non-public participation. The Associate Commissioner's Office would provide a central source available for such help and have the capacity, through its field representatives, to determine more objectively the equity or inequity of the situation.

The Federal Office of the Commissioner establishes the basic criteria to be applied by the State agencies in approving local projects. It also sets up the rules of eligibility of school districts under the provision of the law. The present study disclosed the opinions of many non-public school children were not considered by the State agencies in their appraisal of the needs of the children. Hence, some official supervisory mechanism must be set up to insure implementation of the law's intent.

At the State level notice is received determining the criteria for and actual eligibility of school districts for Federal Asiistance Programs. The State is, further, required to disseminate information about all these procedures, and, indeed, to share this information with non-public shool officials. The present study team received numerous complaints of isolation or mere tokenistic sharing.

Again, State reports and evaluations are filed with little or no knowledge of them on the part of non-public school people. The team recommends that an effective mechanism be introduced to insure greater participation in information-flow, planning, and evaluation of such programs. The State Office for Non-

Public Affairs and Field Representatives would be a viable mechanism to which such grievances would be brought and settled more objectively. It would provide an obmudsman-type approach which could be intended not as a mere grievance committee; but, most centrally, a forum of open communication wherein both public and non-public would get a hearing and action on legitimate complaints that certainly occur on both sides.

Administratively on the local level the LEA receives notification of eligibility from the State Agency and begins surveys of the needs of its appropriate students. The present study uncovered many instances in which no notification of either eligibility or surveys of children's needs was extended to the local non-public schools.

In similar manner, the LEA plans local programs. The guidelines specifically require participation by non-public schools in this process of original planning. Again, however, all too numerous instances were found where non-public schools were not involved at all and even more where a recknoning nod is extended and nothing more is heard or seen until it is time to place the non-public signature on a completed document.

Comment:

> "Let's define the word 'planning'. Some LEA's invite non-public schools to be on 'advisory boards.' But the actual planning is done by local school boards and they veto or pass our suggestions as they please."

Further, the LEA is required to provide various services in personnel and resources to non-public students. But, as indicated in the study, many of these are vitiated by inappropriate scheduling as to time and/or place. Materials can only be used, in some instances, by public school personnel who are in turn scheduled inappropriately.

Lastly, LEA's evaluate programs and send reports to the State agencies.

Comment:

> "Evaluation is mostly a waste of time.
> Pre-testing and post-testing as described
> in the application did not take place."

These quotations of respondents are typical of many received in the study concerning the evaluation aspect of the Federal Assistance Programs. The situation appears on a national level to be at about the same level of sophistication as it was in the 1967 National Study in spite of such early efforts to assist as described in Terry Endell's Annotated Bibliography on the Evaluation of Educational Program. (ERIC Document No. ED 025-857, November, 1968).

The study team again asserts that perhaps the best single recommendation it can offer is the appointment of a 1) Federal Associate Commissioner for Non-Public Schools; 2) a State Official for Non-Public Schools in each state; 3) Field representatives in each State region of appropriate size.

The Federal funds are being appropriated and allocated to assist non-public school children but the space between the Federal Government's intent and the child's receipt of the good of this intent is cluttered with noisy, distorted communication lines, with inappropriate laws, and with anything but facilitation of Congress' intentions which is the very heart of administration.

Persons delegated to achieve this facilitation of Federal Assistance goal achievement would see to the production of appropriate written communication and be able to bring the intent of Congress to fruition by face-to-face communication out where the intended users are -- in our school buildings, public and non-public.

Chapter II

State Aid Programs for Non-Public Schools: The Cases of Pennsylvania, Ohio and New York

John D. Donovan

Boston College

This chapter reports the findings of research investigations carried out during the Spring of 1971 in three (3) of the four (4) states identified for study by The President's Commission on School Finance.[1] Each of these state aid programs is separately described and assessed in order that proper account may be taken of the distinctive character of the legislation and of the social, economic, political and educational situations in each state. As a basis for comparability, however, the descriptions and evaluations of the programs in Pennsylvania, Ohio and New York are presented according to a common schema and are based on similar data bases. Each case, therefore, is organized according to the following outline: (a) Public and Non-Public Education: A Statistical Perspective on the Crisis; (b) Legislative Responses to the Non-Public School Crisis; (c) The Administrative Structure for State Aid to Non-Public Schools; (d) State Aid Programs in Action; (e) Assessments and Projections.

The materials presented in these sections for each state have, wherever possible, been collected from similar sources. Thus, in addition to the official records of each state and the published records of non-public school systems, field data were collected by interviews with public and non-public school officials and other interested parties at the state level and at the local level. Specifically, a total of twelve (12) cities and towns was visited [six (6) in Pennsylvania and six (6) in Ohio]so that assessments of the state aid programs might be obtained at the "grass roots" level of the individual school and community.[2] No case is here made for the representativeness of this local community sampling but a conscious effort was made to take into account potential differences in assessments related to intra-state regional variations and to types of communities by population size. In Pennsylvania and Ohio, therefore, the communities visited were located in every major region and included large metropolitan cities, middle-sized cities, and small towns. These communities and the names of these persons interviewed are identified in the appendices but their anonymity relative to the assessment of state aid programs is in every way and instance respected.

In this form and on these bases the state aid programs for non-public schools in Pennsylvania, Ohio and New York are described and evaluated. Each state report is and can be viewed as a separate unit. But in a concluding section of this chapter an attempt is made to describe in comparative terms the advantages and disadvantages of the separate programs and to provide a cross-state assessment of the values of such aid programs for non-public schools. To the extent that these specific programs offer the greatest amount of financial aid provided at the state level and have been operative for even a short period of time, they provide a limited but valuable set of test cases. Their experiences in providing state aid for non-public schools are indicators of the prospects and the problems which other states contemplating such programs may profitably study.

I. The Pennsylvania Case *

The story of Pennsylvania's state aid program for non-public schools is given "top billing" in this chapter for three (3) important reasons. First, the Pennsylvania Non-Public Elementary and Secondary Education Act (PNESEA) was the first large-scale state effort to provide direct financial aid to non-public schools. Act 109 was introduced in the Pennsylvania House of Representatives on December 12, 1967 and became effective on July 1, 1968. Secondly, this Pennsylvania program of aid to non-public schools has been

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* The co-author of this part was Edward F. Reidy, Jr.

the prototype for similar legislative efforts in other states and has been the "experiment" most closely scrutinized by public and non-public school interests. Thirdly, and very importantly, Pennsylvania and its PNESEA program are awaiting the decision of the United States Supreme Court on the Constitutional question raised by opponents. This decision will be crucially important not only for the aid programs currently operational in Pennsylvania and in other states but it will prevision at least some of the possibilities for governmental aid to non-public schools in the years ahead.

A. Public and Non-Public Education: A Statistical Perspective on the Crisis

By almost any measure non-public education in Pennsylvania has constituted a major investment in the present and future lives of the Commonwealth's school-age population. This is evident in the fact that in the school year 1967-68 591,977 of the state's 2,278,897 elementary and secondary school students were attending 1,636 non-public schools staffed by 20,080 teachers. In percentage terms 25.9% of Pennsylvania's elementary and secondary school population was being educated in non-public institutions. Not surprisingly the majority of these non-public school students (538,810 - or 91%) were enrolled in the 1,145 Catholic schools which constituted 70% of the state's non-public institutions. In staff terms, too, it is important to note that 78% (15,563) of the non-public school teachers were working in Catholic institutions. In human terms, non-public education, and especially its Catholic segment, was a highly visible and highly important part of the state's educational enterprise. On this point there has not been and cannot be any question.

There can also be no question about the fact that by 1967 Pennsylvania's non-public schools were moving rapidly toward a crisis situation. This was especially clear-cut in the Catholic sector but the financial pinch of inflation was also felt in the non-public elementary and secondary schools conducted by Jewish, Protestant and private agencies. Suddenly, or so it seems, the healthy condition and optimistic prognoses of Catholic schools in the early 1960's became suspect. There were some who minimized the significance of these early crisis symptoms and explained away their portents in terms of local conditions. But the symptoms would not go away. Each year more and more non-public schools reported an increase in their financial difficulties and all over the state newspapers started to describe these financial crises and to speculate on their causes and implications. Clearly the rising costs of education in the public as well as in the non-public school systems could be blamed on the inflationary forces operative in the economy at large. These forces did not discriminate between a Catholic school and its public school neighbor. What did distinguish the one from the other was the financial and institutional structure of resources present and available. The public school had the tax dollar and a tradition which was unchallenged, if not uncritized. The Catholic school, on the other hand, depended on the voluntary dollars of members of the Church. The rub was that by 1967 these dollars were cheaper and in shorter supply, the members of the Church were becoming a new breed of Catholics, and the Church itself was in the process of redefinition and reorganization. These social and religious sources of the crisis in Catholic schools are analyzed elsewhere in this report.

The immediately important fact is that these crisis-producing forces were operative in Pennsylvania as well as in other states. Catholic schools were closing, enrollments were declining, certain grades were being dropped, and the proportion of lay teachers increased.

The Pennsylvania Catholic Conference described the situation in pessimistic terms; "the curtailment or drastic reduction of the systems of nonpublic schools now serving almost a fourth of the elementary and secondary school children in the Commonwealth is now a distinct possibility."[3] Only the state had the resources and resource potential to avert this possibility. And it was to the state that the non-public schools, Catholic and non-Catholic, now turned. The Evening Bulletin in Philadelphia summarized it in these words:

> Bit by bit, the ante is being raised for Catholic parents, while their school taxes go up, too. There has to be a limit somewhere. But the Catholic schools' need for funds is increasing and will continue to expand indefinitely. Inevitably, as they have already done, the Catholics turn to the state for help.[4]

B. Legislative Responses to the Crisis

To this burgeoning crisis in Pennsylvania's non-public schools, especially in its Catholic sector, legislative responses soon emerged. It was a crisis of political significance and as such became a political issue. According to some of our interviewees the Catholic school problem was a central issue in Philadelphia's 1967 mayoralty campaign and the results of that election defined it as politically negotiable on the state level. Indeed this is confirmed by the fact that on December 12, 1967 the bill which eventually evolved into the Pennsylvania Non-public Elementary and Secondary Education Act (Act 109 or PNESEA) was introduced into the House of Representatives.

The details of the legislative history of Act 109, while not unimportant, cannot be here recorded without unnecessarily expanding this report. Predictably, its provision for the use of public funds by non-public, and especially church-related, schools aroused strong and articulate opposition. In the legislative hearings those opposing such aid based their resistance on a variety of grounds. Some emphasized the Constitutional question and argued that the bill would provide public funds for sectarian groups. Others opposed it primarily on the grounds that such legislation was inevitably damaging to the public schools. This latter group claimed that it would divert funds badly needed by the public schools, that it would encourage a proliferation of private schools, and that is would make the public schools a "dumping ground" for "problem" students. Moreover, such aid was viewed as providing state support for discrimination and segregation since non-public schools have selective admissions policies. There was even some opposition based on the fear that such aid would inevitably lead to extensive controls which would reduce the valued independence of non-public education.[5]

The proponents of Act 109 clearly had contradictory views. They claimed that the non-public schools were fulfilling a public welfare purpose for the Commonwealth by providing for the secular education of almost 600,000 students. They also maintained that the state's fiscal self-interest would be better served by providing the limited aid which would keep non-public schools open rather than force the absorption of non-public school students into already overburdened public schools. On the Constitutional issue the proponents argued that since the state aid money would only be used to support clearly secular subject areas, it could not be viewed as either inhibiting or advancing any sectarian interests or goals. Some further argued that a situation which would require students to attend a public school inhibits religious freedom since non-religion is in itself a religion.[6]

These familiar positions heard and debated, Act 109 finally came to a vote. On May 8, 1968, after several amendments were rejected, the bill was approved by the Pennsylvania House on a vote of 105 for, 80 against, and 12 not voting. On transfer to the Senate its terms were amended relative to the vehicle of administration and the source and amount of funding and approved on June 12, 1968 with a vote of 30 for and 17 against. Five days later the House concurred in the amendments and on June 19, 1968 Governor Shafer signed Act 109 into law. Pennsylvania, thus, became the first state to go beyond the limited aid heretofore provided non-public schools. Act 109 provided for the purchase with public funds of educational services from non-public schools.[7]

In its more significant parts Act 109 authorized the State Superintendent of Public Instruction to contract for the purchase of secular educational services for the benefit of Pennsylvania's students enrolled in non-public schools located within the state. Secular services were specifically defined as teachers' salaries, textbooks, and instructional materials for mathematics, modern foreign languages, physical science, and physical education. All textbooks and instructional materials were to be approved by the State Superintendent. The Act further specified that teachers employed after the effective date of the act (July 1, 1968) were to hold certification approved by the Department of Public Instruction "as equal to the standards of this Commonwealth for teachers in the public schools" within five years of the act's effective date if their secular educational services were to be claimed for reimbursement. Any teacher, lay or religious, employed in the school system at the effective date of the act was automatically certified (for purposes of the act) by the terms of the law. Payments were to be made on the basis of actual costs, limited by available public monies. All payments were to be subject to state audit.

Since Pennsylvania's constitution has a prohibition against the use of public education funds for non-public schools, the act did not use regular school funds to implement its purpose. Instead, certain revenues from horse and harness racing were assigned to a special fund, the Nonpublic Elementary and Secondary Education Fund, to be used for purchasing secular educational services from nonpublic schools. These monies were not to be used for instruction in any subjects other than those mentioned in the law, for any cost categories other than teacher's salaries, testbooks, and instructional materials, or even for the four specified subject areas if any religious overtones are introduced into the teaching of such subjects.

No monies were to be used for school construction costs or for administrators' salaries.

Finally, to assure that the public objective of aiding secular education was achieved, a number of controls were written into the legislation. These controls are of three kinds: quality, secularity and fiscal. They were intended to insure that the public gets the full measure of what it is paying for, that the public is not supporting religion under the guise of assisting secular education, and that the public's monies invested in the program are spent in accordance with statutory provisions.

Two significant amendments to Act 109 must here be described. Both of these amendments were born of unanticipated consequences of the original legislation which became evident during the first two years of its implementation. These consequences will be described in the following section. Here in order that the legislation presently operative in Pennsylvania may be updated, each amendment is described.

The first, Act 86, was signed into law on March 25, 1970.[8] It amends the PNESEA of 1968 by changing the funding source for state aid to non-public schools. Effective June 30, 1970 revenues from horse and harness racing, as provided in the original act, were no longer to be paid into the non-public school fund. Instead Act 86 specified that the monies for this fund would be paid from and equal to fourteen percent (14%) of the revenue collected annually from Pennsylvania's cigarette tax. The language of this amendment also recognized the changes made from "Department of Public Instruction" and "Superintendent of Public Instruction" to "Department of Education" and "Secretary of Education."

The second amendment, Act 224, was signed into law on July 31, 1970.[9] It specifies an upper limit or ceiling to the maximum reimbursement which might be claimed by any non-public school for any fiscal year. Specifically, this ceiling was set at twenty-five percent (25%) of the state average per capita instructional cost in public schools for the preceding year.

Finally it is appropriate to note in this section that Pennsylvania's legislative response to the crisis in non-public education has not gone unchallenged by the opponents of such state aid programs. Within a month of the enactment of PNESEA a committee had been formed to challenge its constitutionality in the courts. This committee included such organizations as the American Civil Liberties Union, the Pennsylvania Council of Churches, the American Jewish Congress, the Pennsylvania State

Education Association and others. On June 3, 1969 a suit was filed (now known as Lemon vs Kurtzman) in the Federal District Court of Eastern Pennsylvania "to enjoin the alleged unconstitutional approval and expenditure of state funds under the Pennsylvania Non-public Elementary and Secondary Education Act." [10] By a 2 - 1 decision announced on November 28, 1969 this court upheld the constitutionality of PNESEA. Subsequently this decision has been appealed to the United States Supreme Court. A decision of this court is expected in the very near future.

C. The Administrative Structure for State Aid to Non-Public Schools

Under provisions of the Pennsylvania Non-public Elementary and Secondary Education Act the superintendent of public instruction is responsible for its administration. By the terms of the law he is charged to establish rules and regulations, make the necessary contacts, and execute all the necessary instruments. Dr. David H. Kurtzman, superintendent at the time of enactment established the Office for Aid to Non-public Education under the Commissioner for Basic Education. This office functions as the administrative vehicle of the aid program. Its operating expenses are paid out of the non-public fund established by the act.

Reimbursement(this word is very important) procedures, as stipulated in the law itself, require that requests for reimbursement "be made on such forms and under such conditions as the Superintendent of Public Instruction shall prescribe." Accordingly, the aid office prepared both the rules and regulations booklet, which the Superintendent originally issued, and subsequent memos revising parts of the initial booklet. This booklet and subsequent memos explain the general provisions of PNESEA and describe procedures for participation in the aid program.

Very briefly, schools electing to participate must submit a letter of intent to the aid office by October 15th (initially November 15th) of the school year. The aid office then mails out the appropriate materials and instructions. A non-public school registry, a contract signed by the school's chief administrative officer, and a roster of the non-public school's teachers must be filed with the aid office by January 15th (initially March 1st). The application form, signed by the school's chief administrative officer, and back-up forms on teachers' salaries, textbooks and instructional materials must be filed by May 15th (initially June 15th). All forms may be filed through a central agent.

Reimbursement payments are made in four installments, payable on the first day of September, December, March and June of the school year following that year in which services were rendered. In the event that there is not enough money in the Non-public Elementary and Secondary Education Fund to pay all validated requests for any given year, then reimbursement shall be made in that proportion which the total amount of such requests bears to the total amount of moneys in the Non-public Elementary and Secondary Education Fund.

The law further provides that all participating schools maintain separate accounts for compensable expenses. These accounts should include evidence, usually paid invoices, that money claimed for reimbursement was actually expended for secular educational services. Such accounts are subject to audit by the Auditor General. Accordingly, the aid office transfers all processed documents to the Department of the Auditor General on July 1st. Any errors discovered during auditing are subject to adjustment.

In our interviews with a representative of the Pennsylvania Catholic Conference and various diocesan superintendents of schools we discovered that most dioceses had set up administrative structures and/or procedures of their own to facilitate the program's operation. In most cases a specific individual is responsible for PNESEA in his diocese. He has all forms submitted to his office, where they are checked for accuracy and completeness. If something is claimed that should not be claimed or if something is not claimed that should be claimed, then this is usually resolved with a telephone call. After this diocesan level review, the forms are submitted to the aid office. Though the sophistication of this process differs from diocese to diocese, the intent to achieve greater accuracy and a common interpretation of the compensability of various items is the same for all.

For the sake of illustration, an oversimplified hypothetical example follows. The principal (chief administrative officer) of Doe High School has five full-time mathematics teachers and two part-time French teachers. The former teach mathematics five periods a day, the latter teach French two periods a day and English three periods a day. The seven teachers are each paid an annual salary of $10,000.00 Since teachers' salaries for mathematics and modern foreign languages are among the compensable subject areas under PNESEA, the principal submits a letter of intent to participate in the aid program. (Though textbooks and instructional materials in the four subject areas mentioned earlier are also compensable, Doe High anticipates no expenses for either of these categories during the 1970-71 school year.) He receives a copy of the rules and regulations, the appropriate forms, and any additional instructions for filing the various forms. On January 15, 1971 he sends the aid office a school registry (which gives data on his school and an anticipated budget for compensable costs for the 1970-71 school year), a roster of his teachers, and a contract signed by himself. Meanwhile, he is keeping separate books for his compensable costs, i.e. teachers' salaries for mathematics and French. During May he computes the actual cost of teachers' salaries for mathematics and French. Since his five mathematics teachers spend all of their time teaching mathematics, their entire salaries ($50,000.00) are compensable. Since his two French teachers spend only two-fifths of their time teaching French, only two-fifths of their salaries ($8,000.00) are compensable. All students at Doe High are Pennsylvania residents, so there is no need to compute an adjustment for non-resident students. Accordingly, he files an application form claiming $58,000.00 for teachers' salaries on May 15, 1971. If there are no discrepancies discovered by the auditors who will visit Doe High after July 1, 1971 and if $58,000 does not exceed the ceiling established by Act 224, then Doe High will receive four equal payments of $14,000.00 on the first day of September, December, March and June of 1971-72 school year.

D. PNESEA in Action

Pennsylvania wasted no time in implementing the provisions of Act 109. Shortly after the Office for Aid to Non-Public Education had been established in the Summer of 1968, notifications were sent to almost 1500 non-public elementary and secondary schools advising them of their potential eligibility for state aid. Those interested were requested to send letters of their intent to participate in the program. In relatively short order the Office for Aid received letters of intent from 1350 schools. Within six (6) months, that is, by late January 1969, these non-public schools were forwarded copies of the initial Rules and Regulations. PNESEA was in action.

For the academic year 1968-69, the first year of PNESEA, compensable claims for secular educational services were submitted by 1,181 non-public schools. The total amount of validated claims was $15,408,681.12. Table II-1 describes the sources of these 1968-69 claims by type of non-public school and by type of secular service for which compensation was sought.

TABLE II-1

PNESEA CLAIMS
by Types of School, Enrollment and Total Amounts by Compensable Secular Educational Service, 1968-1969

	Total Diocesan Schools	Other Non-public Schools	Grand Total
No. of Schools	1,108	73	1,181
Enrollment	517,533	17,618	535,215
Salaries	$10,014,348.08	$3,715,412.00	$13,765,760.08
Textbooks	$ 1,007,741.64	$ 58,315.00	$ 1,066,056.64
Instructional Materials	$ 818,741.88	$ 133,089.00	$ 931,830.88
Total Claim	$11,840,831.60	$3,922,816.00	$15,763,647.60
Less Claim for Non-Residents	$ 53,893.48	$ 301,073.00	$ 354,966.48
Total Adjusted Claim	$11,786,938.12	$3,621,743.00	$15,408,681.12

Source: A Composite of Non-Public School Claims as Submitted under the Provisions of Act 109, 1968-69

Office for Aid to Non-Public Education, June 30, 1969

These statistics, it should be noted, described the financial claims submitted by Pennsylvania's non-public schools. What they received in dollars and cents payment was quite another thing. The horse and harness racing revenue identified by Act 109 as the non-public school fund source provided too few dollars. Indeed, for 1968-69 it provided only $4,875,000. As a result each school received only 31.2% of its validated claim. In per pupil terms, the non-public schools submitted a claim for $29.45 in that first year of PNESEA.[11] The actual per pupil reimbursement was about $9.19. At this rate, state aid hardly appeared to be the answer to the financial crises of Pennsylvania's non-public schools.

But disappointment at the level of aid provided was exacerbated by the widespread indignation which developed when the dollar distribution by type of school became public knowledge. Act 109 was intended to help "poor" Catholic schools, or so many legislators thought. The data of Table II-1 disabused them of this idea. On detailed re-examination these data proved that the 1,108 Catholic schools participating in the program were educating 97% of the non-public school students but were accounting for only 75% of the total monies claimed. On the other hand, 25% of the total claim was submitted by 73 non-Catholic non-public schools which enrolled only 3% of Pennsylvania's non-public school students. Proportionately, the "poor" Catholic schools were benefiting less from PNESEA than were other non-public schools. Indeed, on a per pupil basis, the Catholic schools claimed only $22.87 and were reimbursed per the above only to the extent of $7.14. The other non-public schools submitted per pupil claims in the amount of $221.87 and received reimbursements of $69.22.[12] At the end of year one of PNESEA, non-public school aid was being provided by the Commonwealth but it was too little and somehow its beneficiaries seemed to be the "wealthier" schools for whom it was not primarily intended.

The amendments provided by Act 86 and Act 224 substantially changed this picture. Indeed, the new funding source provided for PNESEA, viz. 14% of the cigarette tax, guaranteed that over $24,000,000 would be available to pay for secular educational services rendered in the 1969-70 school year. This meant that all validated claims for reimbursement could be paid in full. There would even be a surplus. Table II-2 details the 1969-70 and 1970-71 data and describes the growth in significance of PNESEA's contribution to non-public education.

TABLE II-2
PNESEA CLAIMS for 1969-70 and Budget Estimate Claims for 1970-71 by Types of School, Resident Enrollment and Total Amounts by Compensable Secular Educational Services

	Total Diocesan Schools		Other Non-Public Schools		Grand Total	
	1969-70	1970-71	1969-70	1970-71	1969-70	1970-71
No. of Schools	1064	1034	84	99	1148	1133
Resident Enrollment	483,195	460,476	20,573	21,796	503,768	482,272
Salaries	$12,594,306	$17,344,522	$4,620,684	$5,791,484	$17,214,990	$23,136,006
Textbooks	$ 996,277	$ 1,423,767	$ 48,321	$ 69,681	$ 1,044,598	$ 1,493,448
Instructional Materials	$ 1,322,145	$ 1,716,841	$ 156,130	$ 163,555	$ 1,478,275	$ 1,880,396
Total Claim	$14,912,728	$20,485,130	$4,825,135	$6,024,720	$19,737,863	$26,509,850

Sources: A Composite of Non-Public School Claims as Submitted under the Provisions of Act 109, 1969-70
Office for Aid to Non-Public Education, June 17, 1970 and
A Composite of Non-Public School Budget Estimate Claims as Submitted January 15, 1971 under the Provisions of Act 109
Office for Aid to Non-Public Education, February 17, 1971

The data of Table II-2 clearly indicate the steady growth in the amount and type of PNESEA's financial investment in the state's non-public schools. The establishment of a more financially productive funding source (Act 86) not only attracted more claims for compensation but also guaranteed that they would be paid in full. Thus, the 1969-70 total claim (teacher salaries, textbooks, and instructional materials) increased by $3,974,216 or 25.2% over the total claim made in 1968-69. Moreover, on the basis of estimated expenditures for the 1970-71 claims, there will be another annual increase of $6,771.987 or 34.3%. Table II-2 also clearly establishes the priority value of the purchase of teacher service component of PNESEA. From 1968-69 to 1970-71, the amounts of compensable claims submitted by Pennsylvania's non-public schools for teacher services account for 87.3%, 87.2%, and 87.2%, respectively, of the total monies claimed. In this respect the non-Catholic schools' teacher services component was especially prominent. It represented 95.6%, 95.7%, 96.1% of their total compensable claims. Textbooks and instructional materials were, of course, not unimportant areas of financial aid particularly in Catholic schools. The "big dollar", however, went to the non-public elementary and secondary school teachers of mathematics, physical science, physical education and modern language.

In this comparison the effects of Act 224 on state aid to non-public schools require special mention. The per capita ceiling on compensable claims legislated by this amendment effectively served to narrow the gap between Catholic and other non-public schools which pertained in 1968-69. Thus, in 1969-70 and in 1970-71, respectively, the "poorer" Catholic schools "shared more equally" in the state's funds. On a per capita basis the non-Catholic non-public schools still claimed more of the state's aid but the maximum sum they could receive was $132 in 1969-70 and $150 in 1970-71. Catholic schools, for their part, claimed an average of $31 per student in 1969-70 and $44 in 1970-71. Two points should here be noted: (1) the non-Catholic schools are disproportionately involved in secondary education. They have, therefore, a correspondingly greater opportunity to utilize the purchase of teacher services provision in the approved secular subject areas; (2) this fact notwithstanding, the disparity between the 1968-69 per capita claims ($221.87 for non-Catholic schools and $22.87 for Catholic schools) has been substantially reduced.

TABLE II-3
PNESEA Claims for 1969-70 and Budget Estimate Claims for 1970-71 by Catholic Diocese, Type of School, Resident Enrollment, Total Amount and Claim Per Pupil by Compensable Secular Educational Service

Diocese	No. of Schools	Resident Enrollment	Salaries	Textbooks	Instructional Materials	Total	Cost per pupil*
Allentown							
1969-70	108	29,252	$ 637,200	$ 60,887	$ 74,366	$ 772,453	$26
1970-71	108	28,430	$1,017,957	$ 81,759	$ 97,536	$1,197,252	$42
Altoona-Johnstown							
1969-70	57	15,009	$ 414,050	$ 22,391	$ 40,730	$ 477,171	$32
1970-71	48	13,961	$ 597,332	$ 28,651	$ 75,940	$ 701,923	$50
Eire							
1969-70	72	24,795	$ 708,388	$ 44,714	$ 46,094	$ 799,196	$32
1970-71	70	23,287	$1,152,059	$ 55,554	$ 66,835	$1,274,448	$54
Greensburg							
1969-70	61	15,560	$ 456,073	$ 23,231	$ 43,748	$ 523,052	$34
1970-71	55	14,122	$ 540,656	$ 26,997	$ 42,007	$ 609,660	$43
Harrisburg							
1969-70	73	25,637	$ 745,250	$ 54,482	$ 87,368	$ 887,100	$35
1970-71	74	24,260	$ 956,414	$ 60,519	$115,651	$1,132,584	$46
Philadelphia							
1969-70	348	244,731	$5,073,752	$642,951	$722,047	$6,438,750	$26
1970-71	350	240,098	$6,850,809	$908,343	$812,858	$8,572,010	$36
Pittsburgh							
1969-70	240	99,600	$3,608,512	$ 94,931	$201,508	$3,904,951	$39
1970-71	226	89,768	$4,645,305	$183,899	$368,965	$5,198,169	$57
Scranton							
1969-70	105	28,611	$ 951,081	$ 52,690	$106,284	$1,110,055	$39
1970-71	103	26,550	$1,503,990	$ 78,045	$137,049	$1,799,084	$67

Sources: A Composite of Non-Public School Claims As Submitted under the Provisions of Act 109, 1969-70, Office for Aid to Non-Public Education, June 17, 1970 and A Composite of Non-Public School Budget Estimate Claims As Submitted January 15, 1971 under the Provisions of Act 109, Office for Aid to Non-Public Education, February 17, 1971

* Cost per pupil is computed by dividing resident enrollment into total claims or total budget estimate claim.

Table II-3, however, reveals that PNESEA in action did not provide uniform financial aid throughout Pennsylvania's Catholic school system. The reasons for these variations by diocese in the per capita compensation claimed will be described later. Here it is important only to note that over the past two years, 1969-70 and 1970-71, such claims have ranged from a per capita high of $67 in Scranton to a per capita low of $26 in Philadelphia. These differences are not insubstantial. They suggest that PNESEA has had its problems in maximizing the degree to which the available state aid has been utilized. This is dramatically confirmed by the fact that the non-public school fund, inadequate to the claims submitted in 1968-69, will have an unexpended surplus of approximately $6.5 million after disbursements for 1969-70. Even more significantly it is projected that this surplus will total over $10,000,000 after the payment of compensable claims for 1970-71.[13] Patently, there are still "bugs" in the state's program of aid to non-public schools but between 1968 and 1971 Pennsylvania's trail blazing effort to confront the crisis had clearly moved from a hope to a reality.

E. Assessments and Projections

What has been the result of Pennsylvania's precedent-setting program of aid to non-public schools? What now of the crisis in Catholic schools? How do the public and non-public school officials and the other interested parties evaluate its significance? And, what of the future of non-public school aid and of non-public education? These and other questions are being asked in Pennsylvania and across the country. Success or failure both in kind and in degree are everywhere seen as touchstones for the future of similar state aid programs and for the future of non-public schools.

The following assessment is based on two (2) orders of evidence. First, there is the "hard" data, the statistics which describe the non-public school situation during the short life of PNESEA. Secondly, there is the spectrum of evaluations with which Pennsylvania's most qualified and most interested observers view their three year program of aid. Neither order of evidence can be evaluated without reference to the other. The "hard" facts of statistics and the "soft" facts of evaluations only make sense when they are seen as parts of a complex and dynamic situation. And here, as elsewhere, the so-called "soft" facts prove in many respects to be more valuable.

The statistical evidence is that PNESEA did not provide a panacea for the complex problems of Pennsylvania's non-public schools. Nor was this to be expected. Many of the sources of the crisis, especially in parochial schools, did not lend themselves to dollar solutions. Birth rate declines, geographic and social mobility, vocation shortages, convent revolutions, and religious redefinitions, these were parts of the problem which state aid could not influence, at least directly. Dollars could and did buy needed books and instructional materials and they could and did pay the salaries of some teachers, both religious and lay, but because the basic roots of the crisis were non-financial, the crisis of non-public schools did not disappear.

This limited order of the success of PNESEA is evidenced in the statistical data of the tables which follow. Table II-4, for example, proves that during the period 1967-71 the financial input of the Commonwealth did not, in fact, halt the decline in the closing of the state's non-public schools. Whether or not it braked the rate of these school closings must remain a mental experiment for which evaluations are later provided. The facts are that both on the elementary and secondary school levels there were fewer non-public institutions in Pennsylvania in 1971 than there were in 1967.

TABLE II-4
Composition of All Non-Public Schools in Pennsylvania by Educational Level and Rate of Change, 1967-1971 (Includes Catholic Schools)

	1967-68	1968-69	1969-70	1970-71	Numerical Increase or Decrease 1967-1971	Percent Increase or Decrease 1967-1971
Elementary	1,332	1,343	1,308	1,301	-31	-2.3%
Secondary	304	286	275	290	-14	-4.6%
Total	1,636	1,629	1,583	1,591	-45	-2.7%

Source: Documents of the Pennsylvania Department of Education, Bureau of Educational Statistics

TABLE II-5
Composition of Catholic Schools in Pennsylvania by Educational Level and Rate of Change,1967-1971

	1967-68	1968-69	1969-70	1970-71	Numerical Increase or Decrease 1967-1971	Percent Increase or Decrease 1967-1971
Elementary	964	956	916	900	-64	-6.6%
Secondary	181	176	166	159	-22	-12.2%
Total	1,145	1,132	1,082	1,059	-86	-7.5%

Source: National Catholic Education Association Data Bank

As Table II-4 indicates, PNESEA notwithstanding, elementary schools were being closed down more frequently than secondary schools but the rate of closures was twice as great at the secondary level. This, moreover, was true both for all non-public schools and, as Table II-5 indicates, for Catholic schools tabulated separately. An important difference is that the rate of decline at both levels was three times greater among the Catholic schools. It should also be pointed out there were fifteen (15) more secondary schools in the 1970-71 school year than in the preceding year. The implications of this spurt cannot here be analyzed but it may be significant that the increase appeared only in the non-Catholic secondary school area. Minimally, it lends credibility to the fear of some opponents of PNESEA that state aid may encourage the growth of non-public schools. The incompleteness of specific details on non-public school openings during these years permits no more substantial statement.

Table II-6 and II-7 describe a generally similar pattern of decline in the student enrollment statistics of non-public schools between 1967 and 1971. This was true both for all non-public schools and for Catholic schools tabulated separately. In numerical terms, however, the loss of 64,471 students in the Catholic

TABLE II-6
Enrollment in All Non-Public Schools in Pennsylvania by Educational Level and Rate of Change, 1967-1971
(Includes Catholic Schools)

	1967-68	1968-69	1969-70	1970-71	Numerical Increase or Decrease 1967-1971	Percent Increase or Decrease 1967-1971
Elementary	457,671	435,258	409,389	387,478	-70,193	-15.3%
Secondary	134,306	134,970	132,580	129,673	- 4,633	- 3.4%
Total	591,977	570,228	541,969	517,151	-74,826	-12.6%

Source: Documents of the Pennsylvania Department of Education, Bureau of Educational Statistics

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TABLE II-7
Enrollment in Catholic Schools in Pennsylvania by Educational Level and Rate of Change, 1967-1971

	1967-68	1968-69	1969-70	1970-71	Numerical Increase or Decrease 1967-1971	Percent Increase or Decrease 1967-1971
Elementary	422,670	399,268	378,408	358,199	-64,471	-15.3%
Secondary	116,140	115,880	114,130	111,808	- 4,332	- 3.7%
Total	538,810	515,148	492,538	470,007	-68,803	-12.8%

Source: National Catholic Education Association Data Bank

TABLE II-8
Teachers in All Non-Public Schools in Pennsylvania by Educational Level and Rate of Change, 1967-1971 (Includes Catholic Schools)

	1967-68	1968-69	1969-70	1970-71	Numerical Increase or Decrease 1967-1971	Percent Increase or Decrease 1967-1971
Elem.	13,101	13,462	13,245	13,375	+274	+2.1%
Secon.	6,979	7,303	7,461	7,643	+664	+9.5%
Total	20,080	20,765	20,706	21,018	+938	+4.7%

Source: Documents of the Pennsylvania Department of Education, Bureau of Educational Statistics

TABLE II-9
Teachers in Catholic Schools in Pennsylvania by Educational Level, Status and Rate of Change, 1967-1971*

	1967-68	1968-69	1969-70	1970-71	Numerical Increase or Decrease 1967-1971	Percent Increase or Decrease 1967-1971
Elem. Lay	3,670	4,048	4,393	4,863	+1,193	+32.5 %
Elem. Sis	7,145	6,914	6,354	5,937	-1,208	-16.9 %
Sec. Lay	1,505	1,638	1,897	2,202	+ 697	+46.3 %
Sec. Sis	2,269	2,226	2,227	2,267	- 2	- .09%
Total Lay	5,175	5,686	6,290	6,940	+1,765	+34.1 %
Tot.M.Rel	974	963	906	913	- 61	- 6.3 %
Tot. Sis	9,414	9,140	8,518	8,029	-1,385	-14.7 %
Tot.Fac.	15,563	15,789	15,777	15,882	+ 319	+ 2.1 %

Source: National Catholic Education Association Data Bank

*Figures on elementary male religious and secondary male religious are not available elementary schools out of a total non-public elementary school decline in enrollment of 70,193 tells a significant story. That story, very simply, is that the Catholic elementary school has been less able to withstand the financial and other pressures of this period and has been less able to utilize in maximal fashion the state aid provided.

A somewhat more complicated consequent of PNESEA for non-public education is provided in the data of Table II-8 and Table II-9. Table II-8 shows that during the same years that non-public schools and student enrollments declined, their teacher corps increased by 938 or 4.7%. This increase was most significant at the secondary school level in which the four compensable secular subject areas were most frequently taught. The increase of secondary school teachers by 9.5%, therefore, is not an unexpected benefice of PNESEA. What makes it even more of a benefice is the fact of the decline in student enrollment. Thus, the combination of more teachers and fewer students in Pennsylvania non-public secondary schools resulted in an improvement in the teacher-student ratio from a figure of 19.4 to 1 in 1967-68 to 17.0 to 1 in 1970-71.[14] Teacher increases at the elementary school level were less dramatic during these years (an increase of 274 teachers or 2.1%) but the enrollment decline in elementary schools, it must be recalled, was 70,193 or 15.3%. The educationally happy result, other facts aside, was that by 1970-71 non-public elementary school teachers were confronting an average of about six fewer students in their classrooms. The teacher-student ratio declined from 34.9 to 1 in 1967-68 to 29.1 to 1 in 1970-71.[15]

The special situation in Catholic schools relative to the composition of the teacher corps is described in Table II-9. These statistics have an unique importance relative to PNESEA because religious staff members have always been given minimal, if not nominal, salaries compared to those paid lay teachers. Any substantial change, therefore, from the former to the latter would not only be a part of the financial problem of Catholic schools but an expensive part of the partial solution provided by PNESEA. This, of course, is precisely what happened. Table II-9 describes the elementary school staff of Pennsylvania's Catholic schools as experiencing between 1967 and 1971 a 32.5% increase (1,193) in the number of lay teachers and a 16.9% decrease (1,208) in the number of sisters. In effect, practically every sister lost, for whatever reason, to the Catholic elementary school has been replaced by a lay teacher. At the secondary school level the pattern among the sisters has been irregular, but in the 1967 and 1971 comparison there was a net loss of only two (2) sisters. Lay teachers increased during this period by 46.3% (697 teachers) in Pennsylvania's Catholic high schools. Perhaps the most telling cumulative statistic, however, is that which describes the lay teachers in all of Pennsylvania's Catholic schools, elementary and secondary, as constituting 33.3% of the total staff in 1967-68 and 43.7% in 1970-71. Clearly, even if all other educational expenses had remained at the 1967-68 level, this 10% increase in the lay composition of the teaching staff would have made it much more expensive to finance a Catholic school today. Indeed, it is unlikely that many Catholic schools would have had the financial resources adequate to these increased instructional costs without the aid provided by PNESEA.

At this point in time and on the basis of these orders of empiric data, any assessment of Pennsylvania's state aid program for non-public education is bound to be incomplete and tentative. The evidence rather clearly indicates that the money provided by PNESEA at least partially achieved its objective. Non-public schools, it is true, continued to close and enrollments continued to decline but this crisis pattern was already well established before Act 109. Moreover, it was a pattern rooted in other than financial causes which PNESEA could not have been expected to offset completely. A more balanced assessment of the facts indicates that the state aid provided by Pennsylvania effectively abated the crisis in non-public, especially Catholic, schools. It provided the financial breathing room which those schools with a chance for survival desperately needed. It absorbed some of the financial shock of the increase in lay teachers; it averted tuition increases which would have priced some schools out of existence; and it subsidized the costs of texts and other materials which maintained or upgraded the quality educational resources needed. The facts, directly and indirectly, point to such a positive assessment but they are only "facts." Pennsylvania's program of aid for non-public schools has a broader and deeper basis for assessment in the evaluations of its citizens, especially those close to the crisis situation.

The research evidence provided by this "softer" order of facts is overwhelmingly positive. Whether they liked PNESEA or not, and some clearly did not, the majority of those interviewed acknowledge its success. Indeed, some of the more enthusiastic supporters of the aid program are disturbed only by the fact that its success has been dulled by what they conceive as inadequate utilization of the financial resources to which non-public schools are legally entitled. Representative Martin Mullen, a prime mover for the enactment of Act 109, is most articulate on this point. In his view, a surplus in the non-public education fund at a time when parochial schools are closing "simply doesn't make sense." In Representative Mullen's view Catholic school leadership has been particularly "conservative" and "overcautious" in utilizing state aid. Indeed he was opposed to Act 224, the so-called equalization amendment, because he saw it as limiting the full rights which non-public schools have to state aid. Representative Mullen acknowledged that some Catholic school administrators were under-utilizing the state aid because the legislation did not provide for the payment of compensable claims until the year _after_ the teaching service had been rendered or the texts and other materials purchased. Such schools, he felt, should negotiate bank loans so that they could take full advantage of the state aid provisions.

Catholic school officials at the state and diocesan levels were aware of these criticisms and conceded that maximal advantage had not been taken of the state aid available. They explained the situation as the consequent of many considerations. "Some diocesan officials and some local pastors ," it was stated, "are frankly afraid of being caught short if the Supreme Court rules against PNESEA. If the money is stopped after they've hired more teachers and bought additional texts and equipment, they'd be worse off than they are right now." Another interviewee explained it this way: "There's a lot to this crisis of confidence theory. I know a lot of pastors who would like to unload their schools and who just don't see any salvation for them. You can bet that they're not going to put the parish in debt by borrowing against a maybe payment next year and the collapse of the whole bit." Still another respondent indicated that pastors and nuns aren't very businesslike and "sometimes they have hangups about paying nuns the same salaries as lay teachers because they're supposed to have dedicated their lives and all that." It should, of course, be pointed out that in some dioceses optimal advantage was taken of the state's financial aid. Even in these areas, however, there was agreement that the one year delay in the payment of validated claims worked some hardships and probably did lessen the readiness state of some schools to participate as fully as they otherwise might.

These reservations about the contributions of PNESEA noted, it is important to record their exceptional character. Without any dissenting voice every non-public school official interviewed was grateful for the state aid program. Their gratitude, however, varied according to the financial stability of their school situation. Overall the Catholic school spokesmen, at state, diocesan and local levels were PNESEA's most enthusiastic supporters. Time and again it was described as a "lifeline, the only thing that's kept us going."

These more sweepingly positive assessments were most frequently voiced in the larger cities and they were echoed by the majority of the public school spokesmen in such cities. In cities as large as Philadelphia and Pittsburgh, the sheer number of parochial schools, the magnitude of their student enrollments, and the whole complex of poverty, mobility, taxation, etc. served to increase the level of appreciation for PNESEA. Without its financial relief a large number of parochial schools, it is agreed, would certainly be forced to close. The public school interest as well as that of the parochial school has been well, if incompletely, served by Pennsylvania's aid program.

By way of illustration, the case of St. John's School in such a large metropolitan city dramatically describes the basis for this positive assessment of PNESEA. St. John's Grammar School operates in a sixty-year old building located in the typical parish complex of church, rectory, convent and school. Over the past ten years the population in the area covered by St. John's has increased in number and changed in composition. The area is now about 85 percent black in its population with the result that the parish membership is down from 3,000 Catholic families in 1960 to 850 Catholic families in 1971. These families are approximately 50 percent white (many older people), 35 percent black, and 15 percent Puerto Rican. Predictably the parish school reflects this population "mix." Of the 580 students enrolled in grades 1-8, about 235 are white, another 260 are black (200 Catholic and 60 non-Catholic), and 85 Puerto Rican. These students are instructed by a staff of 10 sisters and 6 lay teachers. All the sisters are white but the lay staff is composed of 3 white, 2 black and 1 Puerto Rican teacher.

Between 1967 and 1971, St. John's School "lost" 220 children (800 enrolled in 1967, 580 in 1971). This decline reflects the change in the parish's population composition because, according to the pastor, "it's the rare Catholic bird who is in the public school." For their part, the public schools in this area are so jammed with students that St. John's operates on a "first come first served" principle in admitting non-Catholic students. As a general rule, those admitted are "kept" unless they have emotional or special learning problems for which neither the parish nor the diocese have facilities and services.

The pastor assesses PNESEA without mincing any words:

> It's kept us open. Last year I had school operating costs of about $86,000 and I only had $74,000 in parish funds. My people were as generous as they could be, but I still wound up with a deficit of $12,000 and it will probably be $20,000 this year. We lost two sisters and had to hire more lay teachers to replace them. I was lucky and got two fine black teachers. But without that $8,000 we got from the state,I couldn't possibly keep going. It's not enough and I know that my deficit is going to grow but... Why I'm in debt to the diocese,too. For two years now, I haven't paid the $150.00 assessment for each parish kid who goes to a Catholic high school and there are a bunch of them. But I can't worry about that. Even the Bishop can't get blood out of a stone. All I can say is that it's a bad scene. If the state aid disappears, St. John's will have to phase out quick. And there are other parishes I know where it's the same. We just don't talk about it any more.

Public school officials in these larger cities are familiar with and sympathetic to the problems of schools like St. John's. One official concurred in the pastor's assessment of PNESEA in these words:

> Their problems are our problems. It is presently impossible for us to absorb them. If we had to, it would be traumatic for our whole system. The hope is that we won't have to. Act 109 keeps them going. I'm not sure that it did much of anything for the quality of teaching and some of their class sizes run awfully high by our standards but... they're still in business.

The consensus with regard to this state aid for non-public, especially Catholic, schools in these metropolitan centers is echoed in medium sized cities, but in tones less emotionally intense and more educationally self-conscious. In such communities the legislation has worked "extremely well." In some of these communities the focus of evaluation is less on PNESEA's survival value and more on its contribution to quality education. In one such city, for example, the Catholic superintendent reports:

> About 50 out of 98 elementary schools now have some type of modern language program and 70 of them have physical education programs.

> We've also been able to get some pastors to buy TV's so that their schools can participate in ETV, we've hired more and better teachers and, frankly, we've concentrated on getting lay teachers for those subject areas that are compensable.

Here it appears that the crisis is less acute, but nonetheless real. Aggressive leadership has maximized the aid provided by the state and has, according to our interviewees, braked the enrollment declines and restored at least some confidence in the future of local Catholic education. Even in these communities, however, the present level of funding and the present limitation on compensable subject areas are subjects of critical concern. There is little confidence that the financial resources of the Church and of parents will be able to meet the continuing costs spiral and there is a growing concern especially about the emmancipation of lay teachers and what this means. One young sister expressed this concern to an interviewer in the plaintive words, "Please tell the President's Commission that we really need help. God Bless you."

The suburban parishes, or at least those visited, provide still another order of evaluation of Pennsylvania's state aid program. The financial pinch in these communities has been considerably less and this has contributed toward an assessment of PNESEA which is much less "lifeline" oriented. Typically it has been described as "working well" or "it's a help, that's it." Some pastors were anxious to point out that their schools could and would survive without state aid but appreciated it both as a source of lightening the financial burden and of providing psychological support. In the words of one: "It's nice to know that we'll be receiving a check for about $3,000 on the first of May." The school administrators echoed these sentiments, but also indicated that the money received did help to improve the quality of the education. The purchase of portable science labs, the reduction of class size, the addition of ETV, the hiring of some better teachers, these were all described as quality consequences of the program. Whether or not these schools are typical can hardly be judged because of the small sample size. Their positive but more muted appreciation of PNESEA gains credence, however, when it is repeated by Catholic school officials at the diocesan and state levels.

The tone and style of the assessments provided by most of the non-Catholic non-public school officials interviewed were closer to these latter evaluations than they were to any others. Different emphases were of course, made in terms of the sectarian or independent status of the school and its clientele. Overall, however, PNESEA was viewed not in salvation, but in sustenance terms. These non-Catholic nonpublic schools would not be forced to close down if the aid was withdrawn but it would aggravate their problems. Most of them use the funds directly or indirectly not only to keep out of debt, but also to hire more and better teachers, to embark upon educational experiments, to maintain their scholarship programs, and to keep tuition from rising. These uses of the state aid money are, it is recognized, not compensable but by claiming that portion of the school budget which is compensable, they are free to use their own income to improve their educational programs in a variety of ways. As one headmaster put it, "I'm very glad the act is in existence."

These critical evaluations of Pennsylvania's aid program by type of nonpublic school and by community size represent only the more general reactions of those educators interviewed. The needs of these schools and their experiences with the legislation and its administration provoked a broad range of more specific assessments. There was general agreement, for example, that the subject area limitations of the program (mathematics, physical science, physical education, and modern foreign languages) skewed the benefits of the financial aid in the direction of the secondary rather than the elementary school. This criticism was voiced most frequently by Catholic school officials. They pointed out that mathematics and physical science were usually the only subject areas for which the elementary schools could claim some relief. Few of them had either the space or the fixed non-compensable facilities needed for physical education programs and they did not have the kind of student clientele which would recommend modern language courses. The evidence that this is a well founded criticism of PNESEA appears in the fact that during the school year 1969-70, institutions participating in the program claimed reimbursement in the following proportions by subject area: mathematics, 99%; physical science, 95.6%; physical education, 65.1%; modern foreign language, 30.7%. In system terms this subject area limitation on aid has lessened its value for the Catholic sector which is in school, enrollment, and faculty terms heavily concentrated at the elementary level. Moreover, its implementation at the elementary level is almost everywhere complicated by the fact that elementary schools are seldom departmentalized. This poses at least administrative problems in determining the percentage of teacher time spent in teaching students in the compensable subject areas.

Among the other points of initial evaluation raised by the non-public school authorities, only a few were repeated frequently enough to merit attention. These included expressions of dissatisfaction with the one year time lag in reimbursement, concern that the state aid was still not getting to the poverty areas in adequate supply, almost unanimous agreement in the need and the value of expanding the compensable subject area range, and some fear that the ceiling on per capita aid legislated by Act 224 may be too low given the inflationary educational scene.

These generally positive assessments of PNESEA were obviously not unanimous. Many public school officials and other opponents of state aid to non-public schools still faulted it on Constitutional grounds or in terms of its direct and indirect negative consequences for the funding and quality of public education. None were critical of the administration of the act and some conceded not only that it had saved many non-public schools but that it had in some degree improved the quality of education. In the smaller communities PNESEA was viewed as unnecessary. It was repeatedly stated that the public schools in these communities could readily absorb the parochial school students. It was further pointed out that the community, by reason of this increase in enrollment, would qualify for thousands of more dollars for the public schools as a state subsidy under existing laws. One spokesman felt that this readiness of the public schools to absorb the children in parochial schools was largely present throughout the state, even in the largest metropolitan centers. This view, as noted earlier, was not shared by the public school administrators in these cities. The impression persists, but it is only an impression, that the violence of the opposition to PNESEA has abated. The language of most public school officials suggested an acceptance of it as a fait accompli. Similarly, the organizational opponents of Act 109 have at least been somewhat subdued in their more recent criticisms. Preoccupation with other problems, problems in the public schools, problems with teacher organization, etc. may have diverted their critical energies. In fact, too, their reduced overt opposition may simply witness a recognition of the political and economic realities. PNESEA has increasingly gained political support and is increasingly perceived as saving the communities and the state millions of dollars. Other officials and organizations, it should be noted, are or appear to be now more amenable to PNESEA because they expect that it will be declared unconstitutional in the upcoming Supreme Court decision.

Finally, what of the future? To this question the decision of the Supreme Court holds the answer. If it is set aside as unconstitutional, few predict that many Catholic schools could long survive. Financially neither the parents nor the parishes would choose to bear the burden. And symbolically, such a decision would probably deepen the crisis in confidence and breed a sense of defeatism from which parochial schools might never emerge. Some felt that a token commitment to Catholic schools might survive, hopefully, with an emphasis on quality. But there would be little else.

If, on the other hand, the Pennsylvania law is upheld, "the troubles will really begin." Certainly efforts would be made to win expanded support and it would be certain that Catholic schools would take maximal advantage of the provisions of the law. But, as one diocesan school official expressed it: "We'll have the bigger problem then of knowing what we are." His fear is that expansion along secular lines would threaten the uniqueness of Catholic education. The "money monkey" might be off their backs but there would still be the question of goals and priorities. Indeed, the options here were so numerous and complex that all he could envision was a situation where Catholics and Catholic schools would have to learn to be "comfortable with uncertainly." Some fears were also expressed that the expansion of state aid would raise other kinds of problems. The fear of increasing state controls and the loss of independence were frequently voiced by non-public school officials. And there was some indication from the public school side that such controls might, indeed, be pressed for. Open admissions and the establishment of uniform regulations for transferring or dismissing students were specifically identified as expectations feared by the non-public sector and recommended by public school administrators.

In summary, the story of PNESEA is not yet ended. The ideological questions aside, it has at least partially achieved the ends for which it was enacted. It has kept many Catholic schools open and it has provided for the continuing non-public education of thousands of Pennsylvania's children. It has staved off an even larger immediate financial problem for the Commonwealth and it has contributed to an improvement in the quality of education. The Supreme Court will soon determine the future role which PNESEA will play, but at a deeper level, particularly as it pertains to Catholic schools, the future of state aid will depend on the social and religious sources which undergird the school crisis.

II. The Ohio Case*

The only program of state aid to non-public education which is even generally comparable to that of Pennsylvania is to be found in Ohio. There since 1969 direct aid to non-public schools which includes the equivalent of Pennsylvania's purchase of teacher's service provision has been available and has been utilized. Ohio, therefore, provides not only a kind of laboratory for the study and assessment of a state program of financial aid but it provides an illustration of another variety of the formulas which have been tested. The Ohio Program has, of course, been in effect for one year less than that in Pennsylvania but this time differential is of relatively little significance. The important fact is that a different law enacted and implemented in a state with its own distinctive history, institutions, and problems is available for description and assessment. Its story will provide a broader framework for the evaluation of state aid to non-public education.

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* The co-author of this part was Allan J. Macdonell

A. Public and Non-Public Education: A Statistical Perspective on the Crisis

During the school year 1969-70, there was a total school enrollment in Ohio of 2,784,116 students at the elementary and secondary levels. By type of school, 86% were in attendance, or at least registered, in Ohio's public schools while 14% cr almost 350,000 students were enrolled in a variety of non-public institutions. Table II:10 describes the distribution of these latter schools and their student populations according to their sectarian or nonsectarian character. As in Pennsylvania, the Catholic sector of Ohio's non-public institutions and student enrollments dominates the scene even though Catholics comprise only 18% of the state's population. As a distinct system, Catholic schools comprise 85% of the non-public facilities and educate more than 95% of the state's non-public school students. This dominance of Ohio's non-public education by Catholics warrants a more detailed description of their school situation. Clearly, the dimensions of whatever real or alleged crisis provoked Ohio's state aid program must be importantly related

TABLE II-10

All Non-Public Schools in Ohio by Number of Schools and Number of Students

Non-Public Schools	Schools	Students
Baptist	3	406
Catholic	740	312,096
Christian	11	1,607
Episcopalian	2	203
Jewish	8	1,327
Lutheran	40	5,666
Private Nonsectarian	22	6,692
Quaker	1	102
Seventh Day Adventist	19	1,510

Source: Prospectus on Non-Public Education in Ohio. Department of Education, Catholic Conference of Ohio, September, 1970, p.l.

to the Catholic school situation.

The first, much publicized signs of trouble appeared in the diocese of Cincinnati. In 1964, the financial problems of the diocese were such that the decision was made to eliminate all first grade classes in Catholic elementary schools. This action was diocesan limited but it reflected an increasing inability on the part of Catholic schools throughout the state to keep up with the spiraling educational costs. Some schools were being closed down or consolidated, others were unable to recruit and to pay the more qualified lay teachers, still others simply did not have the materials and facilities needed for quality education in the sixties. Their problems in financial terms may be roughly gauged by the evidence that during the decade 1956-1966 per pupil costs in Ohio's public schools had increased from $260 to $439.[16] The non-public sector, whether Catholic, Protestant, Jewish or nonsectarian, because of their dependence on voluntary contributions were everywhere hard pressed to meet these rising costs. And these difficulties were compounded in the Catholic situation by the growing importance of fundamental social and religious changes.

The statistical evidence of the weight of these economic, educational, social and religious forces is summarized in

Tables II:11, II;12, and II:13. Using 1967 as a base date, these data describe patterns of decline in the number of schools, the student enrollments, and the proportion of religious teachers in Ohio's Catholic schools. But the differences in the rates of these declines is the striking fact. In spite of its financial and other problems, the Ohio Catholic educational system has managed to maintain a very high degree of institutional stability. Between 1967-71 the number of schools closed was only 11, a decline of slightly over 1%. Even more remarkable, especially against the background of Pennsylvania's experience, is the fact that this stability has characterized both elementary and secondary schools. But if these institutions weathered the storms, their enrollments and their religious teachers did not. By 1971, there were almost 45,000 fewer students in Ohio's Catholic schools than there were in 1967. This decline of 12% was mostly concentrated in the elementary schools where the enrollment dropped 40,000 or 14%. It would appear that the schools were there but the students were not. And neither were a large number of religious teachers. Between 1967 and 1971 the decline in the number of sisters and the increase of lay teachers changed the

TABLE II-11

Number of Catholic Schools in Ohio by Educational Level and Rate of Change, 1967-1971

	1967-68	1968-69	1969-70	1970-71	Numerical Increase or Decrease 1967-71	Percent Increase or Decrease 1967-71
Elem.	610	602	596	601	- 9	-1.5%
Secon.	116	114	112	114	- 2	-1.7%
Total	726	716	708	715	-11	-1.5%

Source: National Catholic Education Association Data Bank

TABLE II-12

Enrollment in Catholic Schools in Ohio by Educational Level and Rate of Change, 1967-1971

	1967-68	1968-69	1969-70	1970-71	Numerical Increase or Decrease 1967-71	Percent Increase or Decrease 1967-71
Elem.	282,264	268,662	253,714	242,000	-40,264	-14.3%
Secon.	79,719	79,674	78,023	76,095	- 3,624	- 4.5%
Total	361,983	348,336	331,764	318,095	-43,888	-12.1%

Source: National Catholic Education Association Data Bank

TABLE II-13

Teachers in Catholic Schools in Ohio by Educational Level and Rate of Change, 1967-1971

	1967-68	1968-69	1969-70	1970-71	Numerical Increase or Decrease 1967-71	Percent Increase or Decrease 1967-71
Elem. Lay	3,369	3,605	4,222	4,888	+1,519	+ 45.1 %
Elem. Sis.	3,812	3,644	3,374	3,287	- 525	- 13.8 %
Sec. Lay	1,080	1,342	1,683	2,254	+1,174	+108.7 %
Sec. Sis.	1,121	1,103	1,137	1,115	- 6	- .54%
Total Lay	4,449	4,947	5,905	7,142	+2,693	+ 60.5 %
Tot. M. Rel.	612	621	659	740	+ 128	+ 20.9 %
Tot. Sis	4,933	4,747	4,511	4,402	- 531	- 10.8 %
Tot. Fac.	9,994	10,315	11,075	12,284	+2,290	+ 22.9 %

Source: National Catholic Education Association Data Bank

* Figures on elementary male religious and secondary male religious are not available.

religious-lay teacher ratio. Compared to their minority status in 1967 the latter now constituted a majority of 60% in Ohio's Catholic elementary schools and of 67% at the secondary school level. The cost implications of this change in the composition of the teaching corps can hardly be exaggerated. The minimal pay received by sisters, their "contributed services," had been a benefice which was lost to Catholic schools on their replacement by lay teachers.

These reverses were not experienced in the same way or in the same degree by the non-Catholic non-public schools in Ohio but their financial situations were hardly strong. They, too, were confronted by rising costs and limited income. The crisis in Ohio's non-public schools was a reality.

B. Legislative Responses to the Crisis

The crisis potential of the non-public school situation did not go unrecognized by Ohio's governmental authorities. As early as July 1965 the state's assistant finance director, Howard Collier, told the members of the State Finance Committee that "if all parochial schools were closed and the children sent to the public schools it would cost the state an additional $175,000,000 a year."[17] The prospect of such a calamity was, of course, not imminent because the Catholic authorities were determined to stay in business. Still Collier's warning and the manifest increase in the symptoms of a crisis prepared the state for active consideration of its inescapable involvement in the financial problems of non-public schools.

In legislative terms Ohio's first significant gesture toward providing financial help to non-public schools was The School Bus Law (Chapter 3327).[18] This Ohio 'Bus Law' was enacted in July 1965 and, oversimply stated, it provides for the mandatory transportation of non-public elementary school children and the optional transportation of non-public high school students. This legislation, however, is not immediately pertinent to the present study because it is not a direct and distinctive program of state aid of the type central to the interests of The President's Commission on School Finance. Still in three important respects Ohio's Bus Law deserves attention. First, the bus transportation statute, as it pertained to non-public school children, quickly became a test case relative to subsequent legislative proposals. The controversy which it sparked was heated and statewide and this controversy did not subside with its enactment. Its constitutionality was vigorously challenged by such organizations as the American Civil Liberties Union and Protestants and others

United for the Separation of Church and State. Finally, in November 1968, its constitutionality was upheld by the courts in the case of Honohan vs. Holt. On its technical side this decision paved the way for subsequent legislation by defining child help legislation as constitutional notwithstanding the religious character of the school. Secondly, the Ohio Bus Law provided for the appointment of a number of area coordinators of school transportation. These area coordinators play a very important role not only in the administration of the bus law but in the administration as well of programs of state aid to public education later enacted in Ohio. Thirdly, the costs which these transportation statutes have imposed on some communities, especially some of the larger cities, have stirred up criticisms which may have "spin off" consequences for other state aid programs to non-public schools. One official described this problem and its portents as a result of a "welching" by the state on its original promise to absorb the costs of transportation. His view is that it would be in the self-interest of the non-public schools to lobby for revisions in the law which would provide financial relief for the local community. Such an effort might disarm some of the hostility which the present transportation costs tend to project on state aid for non-public schools. In Ohio, therefore, this first indirect program of state aid, may be having boomerang consequences for its non-public school beneficiaries.

The more immediately important legislation, however, is that which found its first formulation in Ohio Senate Bill 350 enacted into law in September 1967. This bill, known as The School Foundation Bill, provided in its Auxiliary Services and Materials Act for direct state aid to non-public schools. The details of this legislation will be described later. What is here significant is the strategy and the support which resulted in its enactment. Most Ohio observers credit Governor Rhodes with conceiving the strategy and mustering the support which resulted in the approval of the Auxiliary Services and Materials Act.[19] The bill encountered much resistance but its inclusion in an omnibus type bill which provided something for everybody, the public school as well as the non-public school, facilitated its passage. Those organizations which had earlier led the fight against Ohio's Bus Bill once again challenged this act's provisions for state aid to non-public schools. The significant fact is that the Ohio Educational Association, a public school interest group, supported the legislation when it experienced trouble in subcommittee. The combination of this legislative strategy, the support of groups like OEA and the Ohio Council of Churches, and the application of hard and soft political pressure proved most effective. The enactment of S.B. 350 placed Ohio in the vanguard of states responding with direct financial aid to the crisis in non-public education. It need only be noted that this legislation has also successfully withstood challenges to its constitutionality in the courts.

In its major provisions Ohio's Auxiliary Services and Materials Act permitted non-public schools to expend state funds for "guidance, testing and counseling programs; programs for the deaf, blind, emotionally disturbed, crippled and physically handicapped children; audio visual aids; speech and hearing services; remedial reading programs; educational television services; programs for the improvement of the educational and cultural status of disadvantaged pupils...."[20] The funds for these materials and services are appropriated to the state department of education from the general revenue fund and are disbursed for payment to the public school district within which the applicant non-public school is located. These provisions represent a pointed contrast to the Pennsylvania program of state aid not only in the funding source but in the use of the public school district as the administrative agent. This latter provision effectively keeps the state's money out of the hands of the non-public schools. Indeed, the law specifies that the title to all educational materials provided by the act remain in the public school district and that the public school district may retain 2% of the total non-public school allocation to assist in defraying its administrative costs. S.B. 350 clearly committed Ohio to a significant investment in the state's non-public schools. But it provided no aid for the major source of their financial problem. It provided no money directly for teachers' salaries, the largest single cost factor in the annual budget of non-public schools religious and non-sectarian alike.

This lacuna in Ohio's Auxiliary Services and Materials Act was at least partially filled by the amendments enacted in 1969 in House Bill 531. These amendments added to the programs of the original act "....programs for the enhancement of instruction in secular courses to be taught in non-public schools.... Such programs of enhancement of secular instruction are to be accomplished by supplementary educational service contracts between the school district and lay teachers who teach one or more such required secular courses, who are employed by non-public schools....who, no later than July 1, 1970, hold valid certificates...."[21]

The features of H.B. 531 which distinguish it from the Pennsylvania legislation and which were carefully designed to maximize both political acceptability and constitutionality provide an interesting mosaic. Specifically, it acknowledges the duty of the state to provide financial aid not for any restricted, presumably value-free, subject areas but for *all secular* subjects, as required in the public schools. Secondly, it does not assume the total salary costs of teachers but authorizes funding only for *supplemental service contracts* which support but do not replace the non-public school's salary arrangements with its teachers. Thirdly, and by way of another significant variation to the Pennsylvania legislation, Ohio's state aid is restricted to *lay* teachers in these secular subject areas. Finally, as noted above, these supplemental contracts with lay teachers are entered into by the teacher and the *local public school district* and require that the salary supplement be *paid directly to the teacher* and not to or through the non-public school. In certain protective clauses the Ohio legislation also guarantees that these services and materials not be provided unless they are equally available to the public schools, that textbooks and other instructional materials must be nonsectarian in character, and that the *total* salary paid the non-public school teacher should not exceed that paid to a comparable public school staff member.

The effectiveness of this strategy and of the political and religious bridge-building of its proponents readily became apparent. Endorsed by the Ohio Educational Association, the Ohio Council of Churches, the Ohio Catholic Commission, and other agencies H.B. 531 was approved in the Senate by a vote of 32 to 1 and in the House by a vote of 75 to 19. Governor Rhodes' signature made this program of state aid to non-public schools a part of the law of Ohio. It was the second state to provide direct financial aid to non-public schools and to their students.[22]

C. The Administrative Structure for State Aid to Non-Public Schools

The administration of Ohio's program of aid to non-public schools is the responsibility of the Superintendent of Public Instruction of the Department of Education. His office, however, does not, as in Pennsylvania, provide for the administration of the law in all its parts and details. These responsibilities are assigned to the various public school districts and to the area coordinators appointed primarily to oversee the administration of the school bus law. This arrangement is subsidized by the law's authorization of the public school district to retain two percent (2%) of the total allotment to non-public schools in order to cover the costs of administering the program. As a direct consequence public and non-public school officials within a district are necessarily involved in contact and communication with one another. This educationally important result is, however, not the only value of this administrative structure. A latent consequence is the low profile character which it gives to the state's program of aid for non-public schools. Both administratively and politically the use of the public school district as the key administrative unit is a helpful arrangement. It provides for the resolution of most problems at a local level and it narrows the potentially disruptive visibility of non-public aid to a minimum.

The administrative formula which has been developed to provide this direct financial aid to non-public schools is complicated. Appropriations in Ohio are provided for biennial periods and this sum must, therefore, be divided according to the projected compensable needs in the various school districts. The formula for determining this requires that during the first full week in October of each school year each participating non-public elementary and secondary school is required to prepare and to submit an average daily membership report (ADM). This figure multiplied by the per capita allotment established by the state department of education according to the available appropriation defines the maximum financial aid which a non-public school may claim. In 1968, for example, the per capita allotment provided for Auxiliary Services and Materials (there was then no provision for supplemental teachers salary contracts) was $26.00. This meant that a non-public school with an ADM of 300 students could apply for a total of $7800, less the 2% administrative deduction made by the public school district. This per capita allotment was increased to $50.00 on the enactment of H.B. 531 but the administrative formula remained the same except for one important specification. This provision established as policy an 85% ceiling on the proportion of the total aid which might be used by a non-public school for the supplemental financing of teacher salaries. In effect it sought to guarantee that at least 13% of the total state aid per school was used for services and materials.

Relative to Ohio's teacher "purchase of services" amendment, financial terms were established which are administratively important. Specifically, no supplemental salary claim can be made for a lay teacher which exceeded $3,000 per year. This amount or any lesser amount claimed is to be based on $600 per clock hour or fraction thereof of secular instruction. In addition, the application for such payment requires specific details which name the lay teacher, the secular subject area, the grade level, the clock hour time involved per day, the certification status of the teacher, etc.

In procedural terms the administration of Ohio's aid program is relatively simple. The application for aid is initiated by each non-public school under the sponsoring signatures of the school administrator and one parent. These forms broken down in such detail that they describe the services, materials, and teacher salary supplements claimed, are sent to the administrator of the local school district. This office processes the application and forwards it to the Area Coordinator for certification concerning materials, etc. The application is then submitted for the approval of the State Superintendent of Schools who allocates the approved amount of money to the public school district. This office orders the materials for the non-public school and retains title to them. It also makes out and sends the salary supplement checks payable to the lay teacher. Any unexpended funds are returnable to the state's general fund.

These administrative requirements and procedures of the Ohio aid program need not be further detailed. There are, to be sure, some variations on the procedural side related to the character of the public school districts and to other considerations. Needless to say, too, some informal processes have developed and there are administrative aspects of the law which both the public school districts and the non-public schools find irksome or unnecessary or unprofitable. On the whole, however, Ohio's state aid program works and in administrative terms this is the significant fact.

D. H.B. 531 in Action

The story of Ohio's state aid program on its operational side falls into two parts. On the substantive side it involves the description of the kind and the degree of financial aid provided initially by the Auxiliary Service and Materials Act of 1967 and later by its amended provision for supplemental teacher salary contracts in 1969. On the procedural side there are the refinements adopted by the non-public schools in order to gain the maximum benefits of the aid program.

The data here are comparatively thin because there is no state coordinating or administrative office comparable to the Division for Non-public School Aid in Pennsylvania. Interviews with non-public school officials, however, indicate that practically all non-public schools, religious and nonsectarian, took advantage of the aid program. In 1968 this aid was limited to the application for materials and services and to the extent of $26.00 per child. On a state wide basis Ohio's total investment in non-public education for the school year 1968-1969 amounted to $ 9,150,000. Predictably the greater part of this expenditure went to the Catholic elementary and secondary schools but it was utilized, too, by Jewish, Lutheran and other non-public insitutions. Suddenly equipment and facilities which had been out of financial reach were made available. Audiovisual aids, filmstrips, projectors, dictionaries, encyclopedias, tape recorders, laboratory equipment, gym equipment, reading machines, etc. All were obtained by non-public schools anxious to utilize the financial aid and to up-grade the quality of their educational programs. One observer, indeed, describes it as a period of material "overkill" since the money could not be used at that time for teacher services. But it was not all spent on educational hardware. Many non-public schools assigned their aid through the public school district to the payment of persons providing specialized services in speech therapy, counselling, and remedial reading or to testing and educational television services. The state's financial aid helped but it did not yet reach the heart of the non-public school's fiscal crisis. It did not help to defray the instructional costs .

The 1969-70 school year significantly changed the picture for Ohio's non-public institutions. The per capita allotment was increased to $50.00 and up to 85% of the financial aid approved for a non-public school could be used to supplement the salaries of the lay teachers of secular subjects. This doubling of the money available and this provision for its more varied use represented a major improvement in the values of the state aid program. In the Catholic Schools, particularly, the increasing numbers of lay teachers had pushed many parish schools to the regular use of red ink. Almost without exception they exercised the option provided and expended 85% of their compensable aid to help pay their instructional costs. In some Catholic schools where religious greatly outnumbered lay teachers this was not possible. A number of non-Catholic schools where their lay teachers were defined as "called" and, therefore, ineligible, were similarly restrained in the use of state aid.

Overall the state in 1969-70 expended $17,091,613 for direct aid to Ohio's non-public schools. Within the Catholic system this involved the expenditure of $6,007,922 in the archdiocese of Cleveland, $4,316,723 in the archdiocese of Cincinnati, $2,432,583 in the diocese of Toledo, $1,927,346 in the diocese of Youngstown, $1,313,211 in the diocese of Columbus, and $366,042 in the diocese of Steubenville. Ohio's Catholic schools alone, therefore, received $16,363,830.[23] This is a substantial sum and a sizeable increase over the aid previously provided. According to Catholic sources, however, it represents less than 10% of the costs which would have to be borne by the state if all Catholic school children were in public schools.

For the present academic year it need only be noted that the declining enrollments in non-public schools have resulted in increasing the per student allotment to $56.15. In all other respects the school aid program is unchanged. It is expected that the total aid expended by the state this year will amount to $18,720,016.

Finally, on the procedural side, experience with H.B. 531 has encouraged the establishment at the diocesan level of program coordinating offices. These offices provide administrative advice to Catholic school administrators, review the application forms prescribed, and resolve problem cases with the area coordinator. In the two years since H.B. 531 became operational, both the public school and the non-public school authorities have learned to live with it and with one another. Just how happy they are with it as law and as a program will be the focus of the following part.

E. Evaluations and Projections

As in Pennsylvania, Ohio's state aid program has not provided a comprehensive solution to the crisis of non-public schools. This, in fact, would be asking far too much since the financial aspects of the crisis have their roots in social and religious changes which are beyond the scope of legislative relief. Catholic school enrollments continue to decline and Catholic schools continue to face the prospect of closing in spite of the financial assistance of the state. And the same threat is present to other non-public schools for similar as well as for distinctive reasons.

The financial aid provided in Ohio has, nonetheless, had important consequences. From the state level down to that of the parish school Catholic officials express gratitude for the financial aid. The recurring theme is that it has "kept the parochial school open." "Without H.B. 531," said one official, "as many as 50% of the Catholic schools would have been forced to close. There just wasn't going to be the money to keep them open."

As in Pennsylvania these views are most frequently voiced in the more heavily populated urban areas. The lower incomes of parents and the higher costs for lay teachers and for other expenses accentuate the financial difficulties. Deficit financing is an art which the urban non-public school administrator learns from experience. In one large school, for example, tuition has doubled in the past 10 years but to little avail. For the present year this school's deficit is $80,000. It is kept going by diocesan subsidies and by the state aid program but "no one is optimistic about tomorrow."

In such communities the major criticism of the present law is that it does not recognize the greater financial needs of schools in areas where the children are culturally, educationally and economically deprived. Presently, the per capita allotment is the same for the upper-class child in suburbia and for the lower-class child in the inner city. Some Catholic school officials and teachers are particularly disturbed by this because of their present involvement and their future commitments to education in these areas. "It's just unfair," said one middle aged sister. "And with so many nuns in these inner city schools, we should be able to have some of our salary paid for, too."

This latter point, the exclusion of religious from salary supplements even in the secular subject areas they teach, is not being pressed at the moment. When it is recalled that religious still constitute almost 50% of the teachers in Catholic schools and that they are paid about $2500 per year for their services, their proportion of the instructional costs involved is not inconsiderable. Two factors here seem important. First, it appears that no explicit effort was made to define them as eligible for salary supplements in order to decrease the religious visibility which might have jeopardized the legislation. Payment to a nun who would endorse the check over to her congregation could be construed as providing aid to religion. Secondly, there was some evidence that at least right now some religious superiors felt that the payment of sisters had a disruptive potential. Sisters in secular subject areas would be paid, others would not. And it might pose at least some problems for the sister's concept of her vow of poverty. She could, for example, have her income tax problems. The significant fact is that this important segment of the Catholic teacher corps and some "called" Lutheran teachers are presently ineligible for state aid.

The salvation consequences of Ohio's state aid, especially for urban parochial schools, do not represent any exclusive order of assessment. Repeated references were made in interviews to the quality values for non-public schools which the money provided. In almost every community and school, administrators listed the educational services and materials made possible by H.B. 531. No one could measure these benefits but there was a clear consensus about their positive value. One public school official had been so impressed by this utilization of the state money that he advised public school administrators to visit the non-public schools and to use them as models. The present requirement that at least 13% of the school allotment be expended for services and materials now poses problems in some schools. They have what they need in this area. They would prefer to spend more on teacher supplements.

On the side of public school officials, the assessments of Ohio's state aid program were interesting because of what they did not say as well as what they said. None, for example, identified himself as opposed to the concept of state aid for non-public schools nor did any one aver that such aid has been at the expense of the public schools. Their silence on these more or less traditional public school positions can only serve as a topic of speculation. Some, no doubt, share these views but their primary concern with the provision of educational services for children and the political protection of public school interests at least neutralized their vocal opposition. So long as they got what they needed and not less than the non-public school they appeared to be willing to accept state aid. The political realities of omnibus legislation and tax levies for educational purposes were not unappreciated. Moreover, some public school officials saw non-public school aid as even serving their educational self-interest. On the one hand it averted the closing of parochial schools with its attendant enrollment consequences for public education. On the other hand, as one official pointed out, the improvement of the educational quality of non-public schools lessened the problems of the public school when non-public school students were "dumped" or transferred into the public system. In these circles non-public school aid seemed to be accepted without rancor and with some sense of satisfaction in the fact that it seemed to have forestalled larger problems that would be theirs.

There were, however, some areas of criticism regarding non-public school aid. The public school district offices complained that, particularly since H.B. 531, the 2% administrative allowance permitted them was nowhere near adequate. They were pressing for an increase to 4% or 5%. Other public school officials were concerned with the fact that some Catholic parents were still nonsupportive of tax levies and bond issues sought for the public schools and this despite attempts on the part of the church's leaders to enlist such support. Still others expressed the view that the non-public schools, now that they were receiving state aid, should be required to have "open admissions" and to be prohibited from expelling students according to their own standards. Except for the first of these areas of criticism, (the administrative allowance), the opposition was low keyed and future oriented.

The future of Ohio's state aid program is a political and educational battleground. The constitutional question does not seem to be a central concern despite the upcoming decision on the Pennsylvania law. The key question appears to be how much more money can non-public schools hope to get? That they will get more, despite a projected continued decline in enrollment, seems to be conceded. The non-public school goal of $150 per child, a three-fold increase in the present allotment, is certain to be contested and probably reduced. How this will be done remains uncertain. The political climate appears to be favorable since no election reverses have been related to the earlier support of state aid legislation. And Governor Gilligan's new tax proposal envisions, if it is successful, the provision of even greater aid for non-public education.

Opponents of such aid have not yet conceded defeat. They feel confident that a referendum would, as in Michigan, result in the rejection of such non-public school aid legislation. They are denied such a referendum, however, because Ohio's Constitution does not permit it on tax legislation. This is precisely where the non-public school aid is located. The only alternative available is a petition by initiative. Such a petition is a politically powerful mechanism for denying state aid but its potential divisive consequences in the community are such that some opponents of state aid are reluctant to use it. The betting is that non-public school aid will be continued but at a rate higher than now provided but lower than that sought.

As in Pennsylvania, however, the continuation and the expansion of state aid will not solve the fundamental problems of non-public, especially Catholic, schools. The social and religious dimensions of their crisis must still be confronted. In addition they must be prepared to meet the expectations of the public school sector concerning open admissions and uniform transfer and dismissal regulations. State aid has kept them in business to their own and to the public's benefit. In some form it is quite likely that non-public education will continue in Ohio. How large its contribution will be depends on their own resolution of their internal problems, on the amount and the terms of the financial aid which the state can afford to provide and on the degree to which Federal funds are directly or indirectly made available for non-public schools and non-public school children.

III. The New York Case*

The case of New York concludes this selective description and assessment of state aid programs for non-public education. It is located in this position for two major reasons: (a) New

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* The co-author of this part is Francis J. Mifflen

York's Mandated Services Act is a distinctive variant among direct state aid programs. As such there is little basis for comparison with the programs in Pennsylvania and Ohio; (b) the New York program is still in its first year of operation and can not therefore be as adequately assessed. Indeed, at the time of this writing less than half of the annual aid authorized has been disbursed to the state's non-public schools.

Still the New York case cannot be ignored. The size of the non-public school system and the dimensions of its crisis are warrants in their own right for a description of the state's legislative response and for an even limited assessment of its values. More than that, the uniqueness and directness of the rationale which has legitimized this aid program deserves recognition. For states throughout the county similarly confronted by the financial crisis of non-public schools, the New York case provides still another model for study and evaluation.

A. Public and Non-Public Education: A Statistical Perspective on the Crisis

New York may now be only the second most heavily populated state in the union but this is plenty big enough. The immediately relevant evidence of this appears in the data of Table II-14.

Table II-14

Enrollment in Public and Non-Public Schools, New York State

School Year	Public Schools			Non-Pulbic Schools			
	K-6	7-12	Total	K-6	7-12	Total*	Grand Total
1967-1968	1,899,792	1,425,649	3,325,477	534,703	343,307	884,111*	4,209,552
1968-1969	1,926,759	1,470,654	3,397,413	521,247	344,293	872,717*	4,270,130
1969-1970	1,938,670	1,504,139	3,442,809	497,554	338,263	841,378	4,284,187

* Includes post graduate and special students not included in total.

Source: Table complied from statistics provided in Annual Education Summary, State of New York, State Education Department, Albany, 1968-1970 and Non-public School Enrollment and Staff Publication, State Education Department, Albany, 1970

Thus, in the school year 1969-1970 there were 4,284,187 pupils in the public and non-public school system in New York State on both the primary and secondary level.[24] Of this number, 841,378 were in non-public schools or just under 20 percent (19.5). There were 703,974 in the Catholic schools (elementary and secondary).[25] This latter figure is 83.7 percent of the non-public pupils and 18.7 percent of the entire school enrollment. But Table II-14 also describes some of the patterns of change which have marked New York's educational scene from 1967-1970. Overall the state's school population at the elementary and secondary level increased, but only slightly. At the same time, however, there was a slight decrease each year in the percentage of students enrolled in non-public schools, 884,111 (21 percent) in 1967-1968; 872,717 (20.4 percent) in 1968-1969; and 841,378 (19.6 percent) in 1969-1970.

The prominence of Catholic schools in this non-public sector provokes special interest in this experience. Table II-15 clearly shows that these schools were the major casualties. Over the period of four school years they "lost" almost 85,000 elementary school students. In percentage terms Catholic schools suffered less but here, too, the changes were in a crisis direction. The economies of scale could only be expected to suffer in a situation such as this.[26]

Table II-15

Number of Catholic Schools In New York State with Their Enrollment by Educational Level and Rate of Change 1967-1971

	1967-68		1968-69		1969-70		1970-71		Numerical Increase or Decrease 1967-1971		Percent Increase or Decrease 1967-1971	
	Schools	Enroll	Schools	Enroll	Schools	Enroll	Schools	Enroll	Schools	Enroll	Schools	Enroll
Elem.	1,138	604,284	1,131	579,125	1,112	551,083	1,098	519,345	-40	-84,939	-3.5	-14.1
Secon.	261	156,579	260	156,614	248	152,891	248	147,578	-13	- 9,001	-5.0	- 5.7
Total	1,399	760,863	1,391	735,739	1,360	703,974	1,346	666,923	-53	-93,940	-3.8	-12.3

Source: National Catholic Educational Association Data Bank, 1970-71

Table II-16

Full Time Teachers in Catholic Schools in New York State

	1967-68		1968-69		1969-70		1970-71		Numerical Increase or Decrease 1967-71	Percent Increase or Decrease 1967-71
	Number.	Percent	Number	Percent	Number	Percent	Number	Percent		
Sis.	11,981	52.2	11,425	49.4	10,613	45.1	10,401	42.4	-1,580	-13.2
M.Rel.	2,022	8.8	1,889	8.3	1,929	8.2	1,584	6.4	- 438	-21.6
Lay	8,861	39.0	9,860	42.3	11,007	46.7	12,530	51.2	3,669	41.7
Tot.	22,864	100.0	23,174	100.0	23,549	100.0	24,515	100.0	1,691	7.4

Source: National Catholic Educational Association Data Bank, 1970-71

But there is more. Table II-16 describes a change of even greater importance to the financial crisis of Catholic schools. This is the increase in the ratio of lay teachers to total staff. In 1967 only 39% of the teachers were lay persons but by 1970 this proportion had reached 51.2% and there had been an overall loss of 2,018 religious teachers (sisters and male religious) and an increase of 3,669 lay teachers.[27] This change-over could only mean a marked increase in instructional costs. The loss of the inexpensive services of the religious aside, the average salary of the lay teacher in New York's Catholic elementary schools has steadily increased. In 1969-70, for example, such a teacher was paid an average of $3,475.00. One year later, she was paid $6,255.00, an increase of $2,780.00 or 80%. When it is noted that there were 1,523 more lay teachers in the second year (1970-71), the increase in instructional costs for lay teachers at this level alone approaches 100%.[28]

The vocation crisis in the Catholic Church to which this teacher status shift is related cannot be here analyzed in detail. But the evidence of Table II-17 suggests that the ratio of lay to religious teachers will continue to increase with all of its expense implications. Table II-17 shows that in New York's Catholic elementary schools in 1970-71, 14.6% of the religious teachers were at least 60 years of age and 31.7% were 50 or over. The comparable statistics for lay teachers were 5.8% and 24.9%. And this situation is even more pronounced at the secondary level where 9.9% of the religious were already 60 or over compared to 1.7% of the laity; and 27.2% of the religious had reached 50 years compared to 7.9% of the lay teachers. It is clear that death, illness, and retirement will severly deplete the ranks of the religious teachers. Since younger religious are in short supply, the lay proportion will continue to increase if the much higher instructional costs can be borne and the schools kept open. Statistically it is not a promising picture.[29]

The crisis these data project for tomorrow, however, may be of only academic concern. It is here already. This, at least, is the view of the Archdiocese of New York. Officials there predict a deficit by 1972 of at least $30,000,000.00.[30] And across the river in the diocese of Brooklyn the deficit for the school year 1970-71 is expected to be greater than $12,000,000.00. These are, admittedly, the more dramatic cases. But the pattern is repeated in other non-public schools, Catholic and non-Catholic alike, with differences only in degree. In New York State as elsewhere, non-public education is in serious trouble.

TABLE II-17

Age Statistics for Religious and Lay Teachers in New York State in Percentages

	Elementary		Secondary	
Age	Religious	Lay	Religious	Lay
60 years or older	14.6	5.8	9.9	1.7
50 years or older	31.7	24.9	27.2	7.9

Source: National Catholic Educational Association Data Bank

B. Legislative Responses to the Crisis

The dimensions of the non-public school crisis have, of course, not gone unnoticed in New York. Like many other states it had enacted programs of state aid for non-public schools but these had been indirect rather than direct. Thus, since 1938 New York has made provisions for the transportation of non-public school children; since 1965 it has provided for the purchase and loan of secular textbooks to non-public school children in grades 7 through 12; and it has provided for certain health services for the children in private schools. It was not, however, until 1970 that a program of direct state aid for non-public schools became a part of New York law.

The story of efforts in New York to provide direct state aid to non-public schools is at its core the story of the Blaine Amendment. The violent history of the disputes which surround this much publicized legislation of 1894 need not here concern us. The fact of immediate significance is that this amendment has effectively limited the constitutional power of the state relative to non-public school aid. Its repeal has been recently sought through a Constitutional

Convention in 1967 and through legislative proposals in 1968. Both failed. The battle has once again been joined as a result of Governor Rockefeller's January 1970 request that the Legislature repeal Article XI, Section 3 of the State Constitution (the Blaine Amendment). He asked the members to replace it with the less restrictive language of the Federal Constitution First Amendment.[31] The New York Metropolitan Council of the American Jewish Congress and the New York Chapter of the American Jewish Committee had earlier denounced the proposal in separate letters to the governor. Spokesmen for the American Jewish Congress and the New York State Teachers' Association now reiterated their stand that repeal would be a threat to public education.

On February 2, 1970, the Senate Judiciary Committee sent to the Senate Floor a bill which would repeal Article XI, Section 3 of the Constitution and replace it with more general language.[32] To become effective the amendment would have to pass both Houses of the Legislature this year and in a subsequent year when there would be a newly elected Legislature, and then it would have to be approved by the people in a statewide referendum. In 1968 it had been passed only in the Senate; it had not been introduced in the Assembly. It was now passed in the Senate again, on February 10, 1970 by a vote of 41-15.[33]

On February 16, 1970 the Assembly passed its own version of this first step to repeal the Blaine Amendment by a vote of 105-36. This bill contained a clause permitting taxpayers to challenge in court the expenditure of state funds for church-affiliated schools should they be used for other than secular purposes.[34] Senator Brydges who had introduced the bill in the Senate earlier had been opposed to having this as a constitutional provision, preferring that it be contained in the individual bill providing specific aid.[35] On April 16, 1970, the Senate voted 41-16 to include in its bill this right to sue.[36] The bill now was the same in both Houses.

Some of the opponents to the repeal of Article XI, Section 3 felt that it would imperil the future of the Public School system. Middle class whites would flee to private schools. Mayor Lindsay of New York agreed and felt that some other means of giving aid to public schools must be found. This was the main argument of all who opposed repeal: keep the separation of Church and State. Repeal Blaine and this tradition would be endangered, and so would the public school system. Proponents of repeal felt that this was not so, and that pupils and parents of non-public schools had a right to state aid for the secular elements in the non-public education system. Pluralism in the education system was seen by them as a desirable thing. Generally speaking, Roman Catholic authorities were loud in their claim for repeal. Until the past year or two the vocal element of the Jewish community had been opposed to repeal, but there was little unanimity among the Jewish groups. In January of 1971, the New York Board of Rabbis announced it had abandoned its long standing opposition to state aid to non-public schools.[37] The National Society of Hebrew Day Schools supported the position taken by the Roman Catholic Church.[38] Other segments of the community also were divided on the issue. The AFL-CIO was in favor of repeal even though one of its affiliates, the United Federation of Teachers was opposed.[39] The New York State Teachers Association was also opposed.[40] The Board of Regents voted 11-2 in favor of repeal. The two dissenters (Dr. K.B. Clark and Max Rubin) warned that this would make the non-public school system a haven for white students fleeing inferior public education although the supporters urged built-in safeguards to prevent this.[41] The New York Council of Churches maintained its traditional position in opposition to repeal but it did adopt a position favoring "shared time" which would allow parochial school children to attend public schools for secular courses.[42]

Today, however, the situation has changed. Many of the parochial school authorities now feel that there is no urgency in repealing Blaine because the United States Supreme Court[43] had decided it is to be interpreted in the light of the First Amendment. They feel that immediate state aid is even more urgent and the animosity that could be stirred up by a campaign for repeal could hurt the more urgent needs. There might be political reasons too: repeal might interfere with the Governor's Community Action Program. In addition, a number of amendments were to be voted on in the next referendum and it might be better not to complicate the issue by including one so controversial as Blaine.[44] Catholics would like to see the Blaine Amendment repealed eventually but the urgency has disappeared.

The immediate relief which has permitted a deferral of repeal action on the Blaine Amendment was provided by the legislative enactment in 1970 of the so-called Mandated Services Act. This act provides for the use of state money to be paid to certain non-public schools for services performed in connection with examination and inspection. Basically it expresses a recognition by the state of its responsibility to ensure that all children, regardless of the school they attend, maintain a level of educational achievement necessary to prepare them for later life. To this end it requires of all schools attendance records, examinations, inspections, and other administrative services. What the Mandated Services Act does, in effect, is to make state funds available to non-public schools as reimbursement for the administrative costs incurred in this regard.

C. The Administrative Structure for State Aid to Non-Public Schools

New York's Mandated Services Act[45] is administered by the Coordinator for Non-public Schools' Service Legislation. It is administratively simple and direct.

Its financial basis is presently constituted by the sum of $28,000,000 which is to be apportioned for the implementation of the law each year. The formula which established this fund and which defines the expectations of non-public school is based on a per capita allotment of approximately $27.00 per pupil for grades 1-6 and of approximately $42.00 per pupil for grades 7-12. Payments, or reimbursements, based on this formula are to be made twice yearly, the first estimated half of the payment between January 15 and March 15 and the second adjusted balance payment between April 15 and June 15 of the current school year. These payments were to be made to the applicant non-public school directly or, if the school was not incorporated, to a corporate body designated by the school and approved by the Commissioner of Education.[46] Because these monies were considered as reimbursements for services rendered the state was not concerned with where the money was deposited or how it was spent. In this sense it represented an unrestricted grant from the state.

Procedurally, non-public schools desiring this aid are required to file a completed Application for Nonpublic School Apportionment, Form SA-170, with the Division of Educational Finance by November 1, 1970. That form esentially gives identification information, name, incorporation, religious affiliation, etc.[47] By January 4, 1971, the school must have filed the Nonpublic School Apportionment Worksheet, Form SA-171. This form gives the attendance records necessary for the calculation of the payment.[48] At the present time there are no administrative procedures established relative to the inspection and examination components of the Act that effect reimbursement.

D. M S A in Action

New York's less than one full year of experience with the Mandated Services Act provides little data for this section.

To date it is only known that the first payments have been made to 1,365 non-public schools throughout the state. Another 99 such schools had their first payments still in process. These payments involved a total expenditure so far of $10,107,989.68.

Table II-18 summarizes the apportionment of these first payments by type of non-public school and for Catholic and Jewish schools by diocese and subgrouping. The figures are not surprising. Catholic schools received a total of $9,274,269.04 of this first payment and were clearly the major beneficiaries of the law. It is interesting, too, to note that the New York City and its environs' concentration of Catholic schools and student enrollments resulted in their receiving approximately 60% of the total allotment to all non-public schools and 68.7% of the total amount paid to the Catholic sector. In relative terms this distribution emphasizes both the urban and the religious character of the crisis in New York's non-public educational situation.

TABLE II-18

Apportionment of Funds by Religious Denomination
(1st Payment - Feb. 26, 1971)

Roman Catholic		
Diocese of Albany	548,723.43	
Diocese of Brooklyn	2,727,712.37	
Diocese of Buffalo	955,978.47	
Diocese of New York	2,541,500.99	
Diocese of Ogdensburg	151,833.27	
Diocese of Rochester	678,734.16	
Diocese of Rockville Center	1,108,057.93	
Diocese of Syracuse	522,259.65	
Non-Diocesan	39,468.77	
		9,274,269.04
Jewish		
Orthodox	285,381.42	
Conservative	16,479.25	
Other Jewish	110,322.84	
		412,183.51
Lutheran		113,743.63
Greek Orthodox		24,789.04
Episcopal		2,317.50
All Other		231,824.75
Grand Total [49]		$10,107,989.68

Source: Press Release, State of New York Executive Chamber, Ronald Maiorana, Press Secretary, Feb. 28, 1971, Albany.

E. Assessments and Projections

Here, too, the newness of New York's program of direct aid to nonpublic schools provides little basis for critical evaluation. It is clear that the non-public schools welcome the financial assistance it provides but this welcome they would extend to almost any program of dollar help. Such is the gravity of their crisis.

Relating to the Mandated Services Act specifically, however, this welcome is cut across by some ambivalence as to its rationale and value. Some officials perceived it as a political act designed to provide some help but still evasive of the non-public school crisis. These critics noted that practically all of the administrative services for which the law reimbursed them (attendance records, inspection, examinations, etc.) are already required of the school for accreditation purposes. Their view is that such reimbursement is proper, welcome, and overdue but that its rationale is unrelated to the crisis situation. Others feel, however, that while these services would be provided even if they were not required, the act has standardized the manner in which they are provided. Attendance records are here cited as a good example. The money is appreciated but no one seems excited about its value.

On the dollar side the values of the Mandated Services Act are generally evaluated as minor. It was pointed out, for example, that in the Archdiocese of New York the per capita formula used represents only 10% of the per pupil cost at the elementary school level and considerably less on the secondary level. This proportion as an administrative reimbursement is not questioned. The criticism is that the present direct aid does not help where help is needed most, that is, in the area of instructional costs.

School officials look to the passage of some more substantial form of direct aid, in the form of salary supplement, parent aid or tuition grant or some other system of vouchers. One form of such legislation has been introduced in both Houses in the Legislature but has been stalled in committee. It is called the Spero-Lerner Bill and would give direct tuition aid to the parents of pupils in non-public schools up to $250.00 per pupil per year according to a rather complicated formula based on taxable income plus tax-free income and the number of children per family in such schools.[50] Parochial school authorities are very much in favor of this aid. Another form of aid being considered is a salary supplement for the teachers in the poorer districts. This is not nearly so acceptable to the non-public school authroities because it would provide relief for inner city areas where the problem is most acute but would not help even the poorer families in other areas.

If the state does provide some such substantial assistance one must look for increased pressure for greater state control. Such control has already shown itself to some limited extent in the Mandated Services Act and other forms of assistance but there is nothing onerous about it in any way. An official of the New York State Association of Independent Schools was very much concerned with this problem because most of those schools are opposed to state control on a philosophic basis. Many such schools would not make use of aid which brought with it such control.

There is also the question of open registration. Many feel that if the state is paying for these schools then they should be open to all. Most non-public school officials do not see this as a problem because the parents of children in such schools still have to make considerable financial sacrifice. In the fall of 1970 ninety-seven percent of the students in Catholic elementary and secondary schools were Catholic.[51] The future of non-public school aid in New York is most uncertain. The ghost of the Blaine Amendment, the crisis in public education, and the voter resistance to tax increases all are unfavorable portents for immediate relief.

CONCLUSION

The purpose of this section is not to repeat what has already been said. Its function is to provide a broad assessment of what appears to be the impact of these direct programs of state aid on the crisis in non-public education and to compare some of the positive and negative features present to them. This latter undertaking should not be construed as a ranking of any one program over another. The history, and the special chemistry of public and non-public education varies by state. This means that what is politically, economically, socially, and educationally right and possible in one area may not be right and possible in another. In what follows, therefore, the advantages and limitations of separate and direct aid programs cannot and should not be generalized.

The overall impact of the state aid programs in Pennsylvania, Ohio, and New York must be evaluated against the scope and depth of the non-public school crisis. In this perspective the current investments of about $26,509,850 in Pennsylvania, $18,720,016 in Ohio, and $28,000,000 in New York provide only short-term financial relief. More money would help more and more money is being sought by non-public school interests in each of these states. But to the extent that the roots of the problem reside in social and religious factors, financial aid can only be a partial solution, a lifeline not a life preserver. This assessment is directed primarily to the largest and most vulnerable of the non-public schools, the institutions conducted under the auspices of the Catholic Church. State aid has kept many of them from closing and this result should be fully appreciated by both non-public and public school interests. It has averted for the moment a situation potentially catastrophic in both its short term and long term consequences. It has purchased the time which state and cities and towns and non-public schools need just to confront the pragmatic problems of money, teachers, programs, services, etc. But this time also permits a confrontation of the deeper questions, the philosophical questions surrounding pluralism and individual rights of choice and of the educational questions concerning values, academic competition, etc. These are not insignificant products of state aid programs if the time is used to maximal advantage. But money alone can neither save nor justify non-public schools. The larger questions must be asked and the Federal government must on every dimension of the crisis and its resolution become actively involved. In both short and long term perspectives the problems of non-public education are national problems.

A comparative assessment of the cases included in this chapter must focus on the programs in Pennsylvania and Ohio for reasons earlier indicated. In both states the aid programs finance non-public schools in the areas of services, materials, and instruction. The more important differences, and thereby the areas that are open to invidious comparisons, are as follows: (1) funding sources; (2) administrative organization; (3) compensable subject areas; (4) compensable school personnel. Each variation, of course, has its own political justification and its own financial rationale. It may nonetheless be helpful to describe once again these key components in the two direct state programs now fully operational.

(1) Pennsylvania's use of the cigarette tax as the funding source separates the financial aid for non-public schools from the sources used to provide public school assistance. This may increase its vulnerability from one point of view but conversely it has the advantage of using special funds contributed by only a part of the population rather than general state income. The percentage formula

has the added advantage of adjustment up or down without invoking the problems of new legislation. Ohio's plan by way of comparison uses the general revenue of the state as its funding source. In practice, however, legislation designed to tap this revenue has been a part of tax legislation or of other legislation which provided funding for public schools as well. So far this omnibus strategy has worked and has provided a potentially larger funding source for non-public schools.

(2) Pennsylvania's state program assigns administrative responsibility and authority to the state department of education and to a special office for aid to non-public schools. It is a centralized operation, therefore, involving each non-public school directly with the state office. Ohio's plan is decentralized and emphasizes the public school district as the administrative agent most directly involved in the aid program. Here the advantages presented by the uniformity of administration in Pennsylvania are countered by the values of inter-system interaction in Ohio. Psychologically the latter plan seems more attractive both politically and educationally.

(3) Regarding compensable subject areas and personnel,

Pennsylvania and Ohio follow quite different routes. The former recognizes the right of non-public schools to claim state aid only in four secular subject areas (mathematics, physical science, physical education, and modern language). Ohio, on the other hand, recognizes all secular subjects taught in the public school as compensable. In this respect the Ohio program discriminates not at all between elementary and secondary schools. Pennsylvania's aid, given the subject areas approved for compensation, tends to provide more help to the secondary institutions. On the basis of the numerical and proportionate distribution of non-public school students, especially in Catholic schools, the Ohio plan reaches a larger market.

(4) The above situation is reversed relative to compensable personnel. Pennsylvania's teacher purchase of services is subject-limited but it provides for the eligibility of religious as well as lay teachers and it provides for the payment of their entire salary. Ohio's plan is not subject-limited (except for religion) but it restricts eligibility for compensation to lay teachers and it provides for salary supplements to a limit of $3,000. Thus, the advantage provided by Ohio's more open subject area provision is neutralized in part by

the ineligibility of religious teachers for financial compensation. Their statistical prominence at the elementary level particularly lessens the aid, however politically and religiously functional this non-eligibility may be. Pennsylvania's acceptance of religious and lay teachers as compensable broadens the base of teacher aid. It is increased, too, by the possibility of purchasing the total salary of the teacher.

There is little point to adding other details. The state aid programs in Pennsylvania, Ohio, and New York stand as described and assessed. They have "helped" non-public schools and they are models from which much can be learned by other states and by the Federal Government.

Chapter II

Footnotes

1. The Michigan Story: Effects of Extending and Withdrawing Parochiaid is separately reported in Chapter III. This separation of the Michigan case has been recommended by its uniqueness (parochiaid was extended and then withdrawn) and by the fact that a different research team conducted the field investigations there.

2. The Character of the State Aid Program in New York recommended that these "grass roots" assessments be obtained on a school rather than on a community basis.

3. Pennsylvania's Nonpublic Schools - Financial Impact, Public Contribution, prepared by the Pennsylvania Catholic Conference, p. 8.

4. The Evening Bulletin (an editorial), Philadelphia, Penn., June 20, 1967, p. 26.

5. Memorandum of Donald W. Fox, Chairman of the House Committee on Basic Education, House of Representatives, Commonwealth of Pennsylvania, Harrisburg Pennsylvania, May 7, 1968.

6. Ibid.

7. cf. Appendix G-3.

8. cf. Appendix G-4.

9. cf. Appendix G-5.

10. Lemon v. Kurtzman, 310 F. Supp. 35 (1969), p. 38.

11. Per pupil claim is computed by dividing enrollment into total claim.

12. Ibid.

13. McCoola interview.

14. Teacher-student ratio is computed by dividing the number of teachers into student enrollment.

15. Ibid.

16. The Cleveland Press, Cleveland, Ohio, August 21, 1967, p. A-10.

17. The Cleveland Press, Cleveland, Ohio, July 27, 1965, p.l.

18. cf. Appendix H-3.

19. cf. Appendix H-4.

20. *Ibid.*

21. *Ibid.*

22. *Ibid.*

23. The Education Department of Catholic Conference of Ohio, Columbus, Ohio.

24. *Annual Educational Summary*, State of New York, State Education Department, Albany, 1968-1969; and *Nonpublic School Enrollment and Staff Publication,* State Education Department, Albany, 1969-1970.

25. *Data Bank, National Catholic Educational Association.*

26. *Ibid*.

27. *Ibid*.

28. *Ibid.*

29. *Ibid.*

30. *A Financial Study, The Catholic School System of the Archdiocese of New York*, March 31, 1969, p. III-17.

31. *New York Times,* Jan. 8, 1970, p. 1.

32. *Journal of the Senate of New York,* 1970, p. 93.

33. *Ibid.*, p. 130

34. *New York Times*, Feb. 17, 1970, p.1.

35. *Ibid*., Feb. 20, 1970, p. 33.

36. Journal of the Senate of New York, 1970. *op cit.* p. 708.

37. *New York Times*, Jan. 28, 1970, pp. 1, 26.

38. *Ibid*., Feb. 6, 1971, p. 34.

39. *Ibid*., Feb. 10, 1970; p. 28.

40. Ibid., Jan. 8, 1970, p. 1.

41. Ibid., Feb. 28, 1970, p. 23.

42. Ibid., March 7, 1970, p. 35.

43. Board of Education v. Allen, 392 U.S. 236 (1968).

44. New York Times, Jan. 25, 1971, p. 18.

45. Chapter 138 of the Laws of 1970, New York State.

46. Ibid.

47. Law Regulations and Guidelines, Apportionment to Nonpublic Schools, The University of the State of New York, Albany, 1970, p. 39.

48. Ibid. p. 40.

49. Press Release, State of New York Executive Chamber, Ronald Maiorana, Press Secretary, Feb. 28, 1971, Albany. These figures are taken from the press release. There is an error of approximately $50,000 in the total.

50. Bill 671-A 1971-1972 Regular Sessions in Senate (Prefiled) Jan. 6, 1971. (New York State).

51. A Report on U.S. Catholic Schools, 1970-1971. National Catholic Educational Association, p. 36.

CHAPTER III

THE MICHIGAN STORY:

EFFECTS OF EXTENDING AND WITHDRAWING PAROCHAID

CHAPTER III

THE MICHIGAN STORY:
EFFECTS OF EXTENDING AND WITHDRAWING PAROCHIAID

This paper explores what may be the most dramatic sequence of state-wide events in recent times with respect to aid to nonpublic schools. In 1965, Michigan provided its nonpublic schools with perhaps the most extensive indirect assistance given by any state in the union. In 1970, a law was passed to "purchase secular services" directly from the nonpublic schools. At that point, when elation ran high among nonpublic educators, a successful movement was launched to withdraw the newly provided assistance, and also, it appeared at the time, to end the indirect help that had been enjoyed for five years. The effects of these dramatically juxtaposed moments of exultation and despair may provide rare clues concerning the outcomes of similar public policies elsewhere.

Our discussion will capitalize on another coincidence in Michigan: We have available not only data from interviews conducted in March and April of 1971, but the results of an extensive state-wide study of nonpublic schools in Michigan for which a member of the current team was the chief analyst.[1] In important respects, then, our information is longitudinal.

Some key facts from the 1966-67 study provide a useful framework with which to begin:

Of approximately 2,368,527 children enrolled in elementary and secondary schools in Michigan in 1966-67, some 338,450, or about 14.3 per cent, were in nonpublic schools.[2] More than 99 per cent of students in nonpublic schools attended religiously affiliated institutions, 84 per cent being found in Roman Catholic schools alone. Two other religious groups that sought public assistance for their schools accounted for an additional 14 per cent of nonpublic school students (Lutheran schools and Calvinist schools, 7 per cent each) bringing the proportion of nonpublic school students for whom tax aid was sought to about 98 per cent.[3]

Nonpublic school attendance was particularly pronounced in four Michigan urban complexes. In the Bay City Standard Metropolitan Statistical Area, 39.6 per cent of elementary pupils were in nonpublic schools. In the Grand Rapids SMSA, the figure was 28.2 per cent; in the Saginaw and Detroit SMSA's, over 21 per cent. Other Michigan SMSA's with sizeable proportions of students in nonpublic schools were Jackson (14.7 per cent), Flint (12.9 per cent), Muskegon (12.0 per cent), Kalamazoo (11.5 per cent), Lansing (11.4 per cent), and Ann Arbor (10.2 per cent).

Special attention must be given to the Archdiocese of Detroit, which in 1966-67 had 182,933 students in Catholic elementary and secondary schools alone (not to mention other nonpublic schools), 65 per cent of all Catholic school students in the state. Catholic schools in the other four Michigan dioceses reported the following enrollments: Grand Rapids, 30,947; Lansing, 35,841; Marquette, 10,105; and Saginaw, 22,145. To educate almost 300,000 children, the Catholic church in Michigan was maintaining nearly seven hundred schools (about 522 elementary and 160 secondary) and employing 8,226 teachers, 5,253 of whom (64 per cent) were members of religious orders.

It is now obvious that in 1966-67 the Catholic schools in Michigan were beginning to feel the brunt of the complex problems described in our paper on "The Social and Religious Sources of the Crisis in Catholic Schools," submitted to the Commission on March 15, 1971. Catholic schools had just completed a drastic reduction in class size which, along with other factors, reduced total elementary enrollment by approximately 13,000 (see Table 1).

But the enrollment loss thus far, as compared with the peak year of 1964-65, was only about 8 per cent (4 per cent per year). Few leaders were predicting disaster for the system.

The Calvinist schools in Michigan, concentrated primarily in and around Grand Rapids and Bay City, enrolled 24,048 youngsters (19,075 in 52 elementary schools and 4,973 in 9 secondary schools) in 1966-67, under the care of some 900 teachers (see Table 1). Missouri Synod Lutheran schools, found in most parts of the state but especially in and around Detroit, Saginaw, and Bay City, enrolled a total of 20,065 students (18,816 in 117 elementary schools and 1,249 in 2 secondary schools) (see Table 1). An additional 32 Lutheran elementary schools not affiliated with the Missouri Synod were educating 3,101 pupils. During the four-year period since 1962-63, the Calvinist enrollment had expanded 10.25 per cent and the Missouri Synod Lutheran enrollment, 8.83 per cent.

The Seventh Day Adventist Church in Michigan was maintaining 56 schools in Michigan in 1966-67, employing about 250 teachers and enrolling a total of 4,669 students (3,548 in 52 elementary schools and 1,121 in 5 secondary schools). Data were not available to reflect recent enrollment trends. Adventists were officially opposed to tax support, unlike most of their Calvinist and Lutheran compeers.

Michigan had around twenty other nonpublic schools at the time, including a primitive one-room Amish school in Camden (threatened with forcible closure a little earlier because its teacher lacked the legally demanded state certificate, though the requirement was not enforced in any other nonpublic schools), the Cranbrook School in Bloomfield Hills (renowned for its elaborate facilities, specialized programs, and rigorously selected student body), a Mennonite school, three Jewish day schools in Greater

TABLE 1

ENROLLMENT IN MAJOR GROUPS OF NONPUBLIC SCHOOLS IN MICHIGAN, 1960-61 TO 1966-67

	1960-61	1961-62	1962-63	1963-64	1964-65	1965-66	1966-67
CATHOLIC							
Elementary	227,940	232,204	235,093	239,190	241,500	236,897	223,533
Secondary	54,404	56,568	58,573	62,509	64,432	63,919	57,527
Total	282,344	288,764	293,666	301,699	305,932	300,816	281,060
CALVINIST							
Elementary	----	----	17,972	18,388	18,746	19,074	19,075
Secondary	----	----	3,840	4,137	4,499	4,685	4,973
Total	----	----	21,812	22,525	23,245	23,759	24,048
LUTHERAN (Missouri Synod)							
Elementary	----	----	17,250	17,906	18,342	18,660	18,816
Secondary	----	----	1,187	1,199	1,243	1,266	1,249
Total	----	----	18,437	19,105	19,585	19,926	20,065

Detroit, and several country day schools and college preparatory institutions other than Cranbrook, mostly nonsectarian.

Comparative data, unprecedented in scope at the time, were gathered for public schools and the three largest groups of nonpublic schools in Michigan--Catholic, Calvinist (associated mostly with the Christian Reformed Church), and Missouri Synod Lutheran. It was discovered that all three groups of nonpublic schools were somewhat more selective socio-economically than the public schools, with the exception of the Lutheran elementary schools, whose principals reported low status parental occupations more frequently than did public school principals. (This phenomenon seemed to be a function of the rural nature of many Lutheran schools and the consequent prevalence of farming as a parental occupation.) The Catholic elementary schools in Michigan were surprisingly similar to public schools in their accessibility to low-income families, possibly because so many Catholic schools were located in low-income inner-city areas, especially in Detroit. Catholic education was then a markedly urban phenomenon in Michigan. Whereas only 32 per cent of public, 27 per cent of Calvinist, and 33 per cent of Lutheran elementary schools were depicted as urban by principals responding to the study questionnaire, fully 46 per cent of Catholic elementary schools were thus characterized.

In 1966-67, there was more overcrowding in Catholic schools than in public, Lutheran, or Calvinist schools in Michigan, particularly in the suburbs, probably because so many Catholics had recently moved from the cities, where most Catholic school buildings existed, to the suburbs, where the buildings were not available in sufficient number. Apparently the current drop-off in suburban Catholic enrollments had not yet materialized.

A number of surprises emerged from the Michigan study in 1966-67.

The nonpublic elementary schools, particularly the Catholic group, were apparently far outdoing the public elementary schools with respect to the inservice training of teachers. The emphasis may no doubt be attributed partly to the extensive upgrading efforts discussed elsewhere.[4] In a number of respects, Catholic schools seemed definitely more experimental than Calvinist and Lutheran schools, and in some particulars, more so than public schools. Judging by a number of important school characteristics examined in the study, resources were more equally distributed within each of the three nonpublic systems, Catholic, Lutheran, and Calvinist, than within the public school system, though as we noted earlier, the public schools served a somewhat broader spectrum of income levels as a rule.

Until the passage in late 1970 of an exceptionally rigid constitutional amendment (discussed later), the Michigan constitution was free of the strict prohibitions against aid to church-related institutions that appear in the constitutions of at least thirteen other states. (In a recent analysis, Michigan was listed among thirty-one states with "loose" constitutional restrictions in this regard.)[5] For many years, Article II, Section 3 of the Michigan constitution read as follows:

> No person shall be compelled . . . against his consent, to contribute to the erection or support of any place of religious worship, or to pay tithes, taxes, or other rates for the support of any minister of the gospel or teacher of religion. No money shall be appropriated or drawn from the treasury for the benefit of any religious sect or society, theological or religious seminary; nor shall property belonging to the state be appropriated for any such purpose.

Whether support of the "secular" subjects in a church-related school was aid to a "religious sect or society, theological or religious seminary" was a matter of interpretation.[6]

Previous to the recent flurry of parochiaid legislation in Ohio, Pennsylvania, Connecticut, Rhode Island, New York, Maryland, and Michigan itself, the Michigan Auxiliary Services Acts of 1965 (Public Acts 341 and 343), along with the state's 1963 School Transportation Law, probably represented as extensive assistance (though indirect in nature) as any state in the union had extended to nonpublic schools thus far.[7] Reportedly, it provided a "tremendous boost" to the morale of nonpublic schoolmen in the state, many of whom had begun to worry about the future of their institutions.

Michigan's original School Transportation Law, enacted in 1939, had merely given local public school districts the option of bussing students in nonpublic schools. By the time of the 1963 amendments to that law, it was estimated by Catholic officials that approximately 28,000 nonpublic school children were being transported by public school districts in the state.[8] After the transportation became mandatory upon local school districts (mandatory, that is, if they provided bussing for public school children), there was a virtual doubling of students in nonpublic schools who participated--by one estimate, 51,084 Catholic students alone by 1965-66.[9] In 1965-66, the value of bussing services publicly provided to Catholic school students in Michigan was estimated by Catholic officials at $2,298,780.[10] (By 1967-68, after the Catholic school enrollment decline was well under way, it was estimated by Catholic officials that 48,996 students were being bussed at a cost to the state of $2,155,824.)[11] If participating students from other (nonCatholic) nonpublic schools had been considered in these calculations, obviously the figures would have been higher.

Estimates by the Michigan Department of Education concerning the cost of the transportation and the numbers of participating students in nonpublic schools are discrepant with the Catholic figures, though the same general tendency is evident (see Table 2). Since the state estimates are derived from Catholic school reports, some disagreement is understandable. Short of an audit, there is no way of knowing which figures are more reliable, though we have good reason to suspect the reliability of the state estimates.[12]

TABLE 2

NUMBER OF STUDENTS IN NONPUBLIC SCHOOLS BEING
BUSSED AT PUBLIC EXPENSE AND COSTS
AS ESTIMATED BY MICHIGAN DEPARTMENT OF EDUCATION,
1963-64 TO 1968-69

School Year	Number of Students	Estimated Per-Pupil Cost	Total Estimated Cost
1963-64	24,145	$45.26	$1,092,802.70
*1964-65	44,873	47.64	2,137,749.72
1965-66	42,615	44.15	1,881,452.25
1966-67	47,915	52.45	2,513,141.75
1967-68	47,477	50.92	2,417,528.84
1968-69	48,703	47.72	2,324,107.16

*The first school year during which the bussing was mandatory.

The Michigan Auxiliary Services Acts (1965) require that any public school district providing diagnostician, speech correctionist, health, testing, visiting teacher, teacher counselor, teacher consultant, remedial reading, or crossing guard services to any of its resident children in the elementary and secondary grades must provide the same services on an equal basis to resident children attending nonpublic schools. During the first year in which these acts were implemented (1965-66), according to estimates by the Michigan Catholic Conference, some 213,732 students in 431 Catholic schools participated in auxiliary services valued at $4,159,650.[13] By 1967-68, the Conference estimated that 224,021 Catholic school students were participating at a cost to the state of $5,600,525 (see Table 3).[14] According to a stipulation of facts placed before the Michigan Supreme Court in a case discussed later (In Re School District of City of Traverse v. Kelley, _____Mich._____, 1971), during 1970-71 67,685 children in Catholic schools were receiving hearing tests; 79,640 were receiving vision tests; 3,364 were receiving physical examinations; 28,207 were benefitting from the services of crossing guards; 3,764 were receiving remedial reading instruction; 8,831 were being given speech correction services; 1,713 were receiving school diagnostician services; and 1,265 were being serviced by visiting teachers.

Data on the participation of students in all Michigan nonpublic schools (or nonCatholic groups) are difficult to acquire, though a sampling is represented in Tables 4 through 7.

One drawback of the auxiliary services is that, if local officials decide not to provide them to public school pupils, nonpublic school pupils cannot have them either, no matter how great the need may be. In some areas of Michigan, not even school crossing guards are made available.

As our separate report on local programs will reveal, a good number of Michigan nonpublic schools have been involved in shared time, particularly in areas of the state where large Catholic high schools exist. In the Grand Rapids diocese, for example, we are informed that 1,365 Catholic school students were participating in shared time during the 1970-71 school year. State-wide, twelve Missouri Synod Lutheran schools were so involved, with a total of 207 students participating, during 1969-70.

TABLE 3

1967-68 PARTICIPATION OF CATHOLIC SCHOOL STUDENTS
IN STATE-PROVIDED SERVICES UNDER THE
MICHIGAN AUXILIARY SERVICES ACTS[a]

DIOCESE	NUMBER CHILDREN PARTICIPATING[b]	ESTIMATED VALUE
Detroit	142,654	$3,566,350
Grand Rapids	32,891	822,275
Lansing	30,588	764,700
Marquette	4,933	123,325
Saginaw	12,955	323,875
State Totals	224,021	$5,600,525

[a] School Diagnosticians, Speech Correctionists, Health Services, Crossing Guards, NDEA Testing, Visiting Teachers, Teacher Counselors, Teacher Consultants, Remedial Reading

[b] Totals can be misleading because of the duplication factor (i.e., the same child may receive crossing guard and remedial reading services)

Source: Michigan Catholic Conference

TABLE 4

PARTICIPATION OF MICHIGAN DISTRICT (MISSOURI SYNOD) LUTHERAN SCHOOL STUDENTS IN TAX-SUPPORTED BUSSING AND AUXILIARY SERVICES, 1969-70

A. AUXILIARY SERVICES (State Auxiliary Services Act)

		NUMBER OF STUDENTS		
Service	No. of Schools	Public Site	Non-Public Site	Total
School Diagnostician	34	7	152	159
Speech Correctionist	93	69	916	985
Hearing Tests	97	12	7,577	7,589
Vision Tests	102	270	8,365	8,636
Physical Exams	7	181	75	256
Crossing Guards	16	505	319	824
Visiting Teacher	12	0	50	50
Teacher Counselor	1	0	6	6
Teacher Consultant	2	0	12	12
Remedial Reading	31	37	247	284

B. BUS TRANSPORTATION

By public school buses	69 schools	5,388 pupils
By own buses (reimbursed)	54 schools	4,231 pupils
Gasoline tax rebate	40 schools	

Source: Michigan District Offices, Board of Parish Education, Lutheran Church--Missouri Synod.

TABLE 5

PSYCHOLOGICAL SERVICES (MOSTLY UNDER MICHIGAN AUXILIARY SERVICES ACTS) PROVIDED TO STUDENTS IN NONPUBLIC SCHOOLS BY DETROIT PUBLIC SCHOOLS, JULY 1, 1970, TO JANUARY 31, 1971

			Recommendations	
Full Evaluations	M	F	Regular Grade	Special Education
47	36	11	38	9
Brief Service				
1	1			
Conferences			School Personnel	Parents
			102	65
Other Service				

The majority of the children seen would have had a medical screening by one of the Clinic physicians.

Estimated Budget
July 1, 1970, through June 30, 1971

Salaries	
Professional	$38,000.00
Clerical	6,800.00
Supplies	1,200.00
Automobile Expense	400.00

Source: Department of Evaluative Services, Detroit Public Schools.

TABLE 6

SCHOOL SOCIAL WORK SERVICES (MOSTLY UNDER MICHIGAN AUXILIARY SERVICES ACTS) PROVIDED TO STUDENTS IN NONPUBLIC SCHOOLS BY DETROIT PUBLIC SCHOOLS, SEPT. 8, 1970, TO JAN. 31, 1971

Number of School Social Workers: 8 (including full-time and part-time School Social Workers who also carry responsibility for serving a number of public schools.

Total Number of Active Cases During Period Reported: Total Boys - 143. Total Girls - 48.	191
Analysis of Case Load	
Consultive (Emphasis on consultation with teachers)	108
Cooperative (Emphasis on consultation with agencies)	4
Intensive (Direct casework and group work with children)	55
Supportive (Emphasis on work with teachers and parents)	24
Total Number of Agencies and/or Organizations Consulted (This is a duplicated count)	232
Cases Terminated as of January 31, 1971 (Of this number 34 cases were closed with the 'situation improved')	73

CONTACTS WITH PUPILS	NUMBER OF CONTACTS
Teachers and Staff	2,066
Parents	494
Pupils	601
Organizations and Agencies	310
Community Groups	25
Total Number of Contacts	3,496

Classification of Problems (Duplicated count)

School Adjustment	112
Home Factors	58
Social Adjustment	52
Personal Adjustment	110
Physical Factors	15
Mental Handicaps	4

Budget Estimates, Sept., 1970, to Jan. 3, 1971 (Excluding office space, heat, light, telephone, etc.)

Approximate Salary Cost	54,780.00
Approximate Clerical Cost	2,500.00
Approximate Supplies Cost	1,000.00
Approximate Mileage Re-imbursement	660.00
TOTAL	58,946.00

TABLE 7

SPEECH, HEARING, AND LANGUAGE THERAPY PROGRAMS (MOSTLY UNDER MICHIGAN AUXILIARY SERVICES ACTS) PROVIDED TO STUDENTS IN NONPUBLIC SCHOOLS BY DETROIT PUBLIC SCHOOLS, SEPT., 1970, THROUGH JAN., 1971[a]

1. Total number of non-public schools being serviced: 62
   (Public schools being serviced: 286)
   (Public schools not being serviced: 27)
   (Nonpublic schools not being serviced: 108)

2. Total number of teachers serving these nonpublic schools: 41

3. Per cent of each teacher's time spent in nonpublic schools:

   a. 41 of 127 teachers in these programs are in nonpublic schools (32%)

   b. Breakdown of teacher's time =

      5 work .125 of the time in nonpublic schools (5/62 = 8%)

      20 work .25 of the time in nonpublic schools (20/62 = 32%)

      3 work .375 of the time in nonpublic schools (3/62 = 5%)

      19 work .5 of the time in nonpublic schools (19/62 = 31%)

      15 work .75 of the time in nonpublic schools (15/62 = 24%)

      (41 100%)

4. Number of nonpublic schools serviced by consultants and Department of Health technicians: 138

5. Number of children in nonpublic schools being serviced in nonpublic schools: 1,588

6. Number of children from nonpublic schools being serviced in public schools: 9,808

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[a] Does not reflect the number of these students who obtain these services directly from the central speech-hearing clinic maintained by the Detroit Public Schools or the number of children visiting centers where hearing/screening and consultative services are provided on public school premises.

Source: Detroit Public Schools.

Though it is not the purpose of the present paper to assess the impact of federal programs, we should note parenthetically the highly relevant fact that Michigan has surpassed many other states in providing for the participation of children in nonpublic schools under the federal Elementary and Secondary Education Act of 1965 (ESEA), as our report on federal aid programs will indicate in more detail. Under Title I of ESEA, for example, the value of services provided to 13,080 children enrolled in 371 Catholic schools in Michigan during 1965-66 was estimated at about $4 million, 12 per cent of the total appropriation for the state.[15] Of Catholic school children benefiting from Title I services, an estimated 68 per cent received the assistance in Catholic schools. By 1967-68, as a consequence of federal cutbacks, the value of Title I services provided to Catholic school students had dropped to $1,791,724, though the number of children participating had risen to 20,834, in 303 Catholic schools (see Table 8).[16]

In Michigan as elsewhere, the virtually unanimous testimony of nonpublic schoolmen is that they have had to fight for every penny of benefits received under Titles I and III of ESEA. Since the programs are required by law to be initiated by public school officials, there are many ways in which these officials may, either inadvertently or willfully, short-change children attending nonpublic schools.[17] Even when apparently proceeding with the best of intentions, public school administrators often design federally funded programs to meet needs evident in public education and thus overlook the unique circumstances of children in nonpublic schools. Leaders in Michigan nonpublic schools have had to devote much time and effort, both at state and local levels, bargaining, pressuring, cajoling, and persuading in order to produce the participation reflected in the abovementioned figures. Many interviewees credit the Michigan Catholic

Conference with playing a critical role in this process.[18]

TABLE 8

1967-68 PARTICIPATION OF MICHIGAN CATHOLIC SCHOOL STUDENTS IN SERVICES UNDER TITLE I OF THE FEDERAL ELEMENTARY AND SECONDARY EDUCATION ACT

DIOCESE	NUMBER OF CATHOLIC SCHOOLS PARTICIPATING	NUMBER OF CHILDREN	VALUE OF PARTICIPATION
Detroit	125	9,794	$842,284
Grand Rapids	66	4,242	364,812
Lansing	44	1,697	145,942
Marquette	28	941	80,926
Saginaw	40	4,160	357,760
State Totals	303	20,834	1,791,724

Source: Michigan Catholic Conference

In the perception of Catholic leaders, some of the most disadvantaged children educationally are still being excluded from the benefits of federal programs because of fiscal criteria. Many children with acute learning problems come, not from homes below the federally defined "poverty level," but from homes with incomes around $7,000 or $8,000, where there is a constant struggle to stay solvent.

Other (nonCatholic) nonpublic schools, being located mostly outside low-income inner-city areas, have participated only negligibly in federal ESEA programs. A few maintain federally subsidized hot lunch programs, and virtually all distribute federally funded milk to students.

Detroit archdiocesan school officials have particular praise for the National School Lunch Program. After Congress passed a 1969 amendment providing additional funds for the program, the archdiocese developed an experimental arrangement in two inner-city Catholic schools, using mainly machine-dispensed items. (Previously the archdiocese had not participated in the National School Lunch Program because of the unreimbursed costs involved.) The response of the students, many of whom had habitually come to school hungry, was so gratifying that the effort was extended to 24 Catholic elementary schools in Detroit in September, 1970. Table 9 provides basic data in this particular.

According to interviewing done both in 1967 and 1971, there was comparatively little controversy in Michigan in connection with the transportation and auxiliary services bills. The Auxiliary Services Laws, for example, were passed by a vote of 90 to 9 in the House of Representatives and 33 to 1 in the Senate. During the 1967 session, amendments to authorize participation of nonpublic school children in additional benefits--services at vocational education centers, transportation to these centers, and psychological testing--all passed by overwhelming majorities. In general, at the time of the 1966-67 study in Michigan, the lack of concerted resistance to laws extending indirect tax support to nonpublic education seemed remarkable. One important explanation, it appeared, was the emergence of a Catholic-Protestant coalition in favor of the aid, comprised mostly of Catholic, Lutheran, and Calvinist (mostly Christian Reformed) elements. Previous years had witnessed an about-face among most supporters of Calvinist and Lutheran schools, who a few years earlier had opposed public aid in principle. It was more difficult, then, to characterize the issue as a Protestant-Catholic confrontation. At the same time, more unanimity had

TABLE 9

STATISTICS FOR FEDERAL LUNCH PROGRAM IN 24 INNER-CITY CATHOLIC SCHOOLS, DETROIT ARCHDIOCESE SEPTEMBER THROUGH DECEMBER, 1970

Lunches	
Total number of lunches	214,821
Total number of adult lunches	1,239
Total number of free lunches	11,983
Total number served at a reduced price of 10¢ and 20¢ to children	203,756
Milk	
Total ½ pints	297,625
Expenses	
Food Bills	$94,966.36
Milk Bills	16,985.62
Supplies	3,836.89
Labor (Delivery of Food and Food Commodities)	8,788.64
Equipment	8,457.28
TOTAL EXPENSES	$133,034.79
Income	
Adults' payments (55¢)	$ 681.45
Children's payments	37,377.02
U.S.D.A. Reimbursements	90,162.30
Equipment	8,457.28
TOTAL	$136,678.05
TOTAL INCOME	$136,678.05
TOTAL EXPENSE	133,034.79
BALANCE	*$ 3,643.26

*According to U.S.D.A. regulations this program is non-profitable to the sponsoring agency and recommendations on liquidation will follow.

Source: Detroit Catholic Archdiocese

emerged among Michigan Catholics concerning the necessity of financial relief if parochial schools were to survive. The formation of the Michigan Catholic Conference in 1963 was no doubt another important factor, in the light of the skill with which conference executives began to function.[19] During our 1967 interviews, the majority of participating Michigan legislators identified the conference as the best source of reliable information on "parochiaid."

There was unanimous agreement among interviewees from nonpublic schools that, while the state's auxiliary services and bussing laws and the federal government's programs had made important services available that could not otherwise have been provided to needy children in nonpublic schools, neither auxiliary services nor bussing (nor services provided through federal money, for that matter) functioned to alleviate the fiscal problems of the nonpublic schools themselves. Public and nonpublic educators agreed that the programs had stimulated unprecedented cooperation and understanding between public and nonpublic schools. Some public educators may have learned that their stereotypes about parochial schooling were inaccurate. Some parochial school educators may have encountered important ideas from which they had previously been isolated. These advantages far outweighed the minor problems encountered in the bussing and auxiliary services arrangements.

Interviewees from both public and nonpublic schools reported that most public school teachers assigned to provide auxiliary services in nonpublic schools, having seen the benefits these services brought to children, were angry concerning the campaign (discussed later) that seemed intended to limit these services to public premises. These teachers worked openly, in opposition to most of their colleagues, to defeat the campaign.

With the exception of one official of the Michigan Department of Education and several administrators in the Detroit public schools, public school interviewees had no complaints about tax-supported bussing and auxiliary services for children in Catholic schools. The state official said nonpublic school leaders often exerted pressure for "a more liberal interpretation" of the Auxiliary Services Laws and tried to have children bussed beyond legally established limits. But pressures of the same type, he added, were evident within public education.

Administrators in the Detroit Public Schools pointed out that the Auxiliary Services Laws had had some negative fiscal consequences for public schools, though that impact had to be weighed against the fact that services were provided as a result to needy children in nonpublic schools. No adjustment was made in the state aid formula to compensate for the requirement that the specified services, when provided in public schools, be extended to children in local nonpublic schools as well. As a result, the proportion of costs for these services reimbursed by the state dropped to some extent, while demands upon the public school system for matching funds rose rapidly. In many cases, existing public school staff members had to assume responsibility for larger case loads, with a consequent dilution of provisions already maintained at inadequate levels. In some cases, these administrators claimed, children in nonpublic schools who received special help were less needy than children receiving equivalent assistance in public schools. Though acknowledging that there were many impoverished children in Catholic schools within the Detroit archdiocese, these leaders alleged that Catholic schools generally would not admit the children who were the worst "behavior problems."

According to data summarized in Tables 10 through 15, school closings and enrollment losses in Catholic schools in recent years have continued at an accelerating rate, despite state provision of bussing and auxiliary services. Whereas an enrollment decline of 4.29 per cent had occurred during the four-year period from 1962-63 to 1966-67, during the three-year period between 1967-68 and 1970-71 a 23.0 per cent enrollment decline took place (25.1 per cent at the elementary level and 15.6 per cent at the secondary level). Michigan Department of Education enrollment figures are too obviously unreliable to permit an assessment of trends for the state's nonpublic schools as a whole.[20]

The apparent causes of the crisis in Catholic schools have been discussed at length elsewhere.[21] It may be useful, however, to document one major cause of fiscal difficulties, the increasing proportion of teachers drawn from lay ranks at very high cost relative to the allowances paid religious personnel (see Tables 16, 17, and 18).

TABLE 10

NUMBER OF CATHOLIC ELEMENTARY SCHOOLS IN FIVE DIOCESES OF MICHIGAN
OVER FOUR-YEAR PERIOD

Diocese	Number of Schools				Increase or Decrease ( ) 1967-68 to 1970-1971	Percent Increase or Decrease ( ) 1967-68 to 1970-1971
	1967-68	1968-69	1969-70	1970-71		
Detroit	260	257	245	230	(30)	(.115)
Grand Rapids	83	79	74	71	(12)	(.145)
Lansing	69	69	65	59	(10)	(.145)
Marquette	33	33	31	25	(8)	(.242)
Saginaw	59	59	58	54	(5)	(.085)
State Totals	504	497	473	439	(65)	(.129)

TABLE 11

TOTAL CATHOLIC ELEMENTARY SCHOOL ENROLLMENT IN FIVE DIOCESES OF MICHIGAN OVER FOUR-YEAR PERIOD

	Total Enrollment				Increase or Decrease ( ) 1967-68 to 1970-1971	Percent Increase or Decrease ( ) 1967-68 to 1970-1971
Diocese	1967-68	1968-69	1969-70	1970-71		
Detroit	141,951	131,884	118,727	105,019	36,932	(.260)
Grand Rapids	22,766	21,442	19,640	17,800	4,966	(.218)
Lansing	26,601	24,993	22,128	19,832	6,769	(.254)
Marquette	8,114	7,719	6,951	5,796	2,318	(.286)
Saginaw	16,807	16,125	14,791	13,508	3,299	(.196)
State Totals	216,239	202,163	182,237	161,955	54,284	(.251)

TABLE 12

NUMBER OF CATHOLIC SECONDARY SCHOOLS IN FIVE DIOCESES OF MICHIGAN OVER FOUR-YEAR PERIOD

	Number of Schools				Increase or Decrease ( ) 1967-68 to 1970-1971	Percent Increase or Decrease ( ) 1967-68 to 1970-1971
Diocese	1967-68	1968-69	1969-70	1970-71		
Detroit	94	90	79	73	(21)	(.223)
Grand Rapids	16	15	15	16	(0)	(.000)
Lansing	18	17	16	9	(9)	(.500)
Marquette	4	4	3	3	(1)	(.250)
Saginaw	18	15	13	9	(9)	(.500)
State Totals	150	141	126	110	(40)	(.267)

TABLE 13

TOTAL CATHOLIC SECONDARY SCHOOL ENROLLMENT IN FIVE DIOCESES OF MICHIGAN OVER FOUR-YEAR PERIOD

Diocese	Total Enrollment 1967-68	1968-69	1969-70	1970-71	Increase or Decrease ( ) 1967-68 to 1970-1971	Percent Increase or Decrease ( ) 1967-68 to 1970-1971
Detroit	43,100	42,183	39,069	36,388	6,712	(.159)
Grand Rapids	7,025	6,711	6,304	6,368	657	(.098)
Lansing	6,944	6,872	6,563	5,919	1,025	(.149)
Marquette	1,205	1,220	934	942	263	(.218)
Saginaw	4,588	4,318	3,963	3,419	1,169	(.255)
State Totals	62,862	61,304	56,833	53,036	9,896	(.156)

TABLE 14

NUMBER OF CATHOLIC ELEMENTARY AND SECONDARY SCHOOLS IN FIVE DIOCESES OF MICHIGAN, 1967-68 THROUGH 1970-71

Diocese	Number of Schools 1967-68	1968-69	1969-70	1970-71	Increase or Decrease ( ) 1967-68 to 1970-1971	Percent Increase or Decrease ( ) 1967-68 to 1970-1971
Detroit	354	347	324	303	(51)	(.144)
Grand Rapids	99	94	89	87	(12)	(.121)
Lansing	87	86	81	68	(19)	(.218)
Marquette	37	37	34	28	(9)	(.243)
Saginaw	77	74	71	63	(14)	(.182)
State Totals	654	638	599	549	(105)	(.161)

TABLE 15

TOTAL ENROLLMENT, CATHOLIC ELEMENTARY AND SECONDARY SCHOOLS IN FIVE DIOCESES OF MICHIGAN, 1967-68 THROUGH 1970-71

	Total Enrollment				Increase or Decrease ( ) 1967-68 to 1970-1971	Percent Increase or Decrease ( ) 1967-68 to 1970-1971
Diocese	1967-68	1968-69	1969-70	1970-71		
Detroit	185,051	174,067	157,796	141,407	43,644	(.236)
Grand Rapids	29,791	28,153	25,944	24,168	5,623	(.189)
Lansing	33,545	31,865	28,691	25,751	7,794	(.232)
Marquette	9,319	8,939	7,885	6,738	2,581	(.277)
Saginaw	21,395	20,443	18,754	16,927	4,468	(.209)
State Totals	279,101	263,467	239,070	214,991	64,110	(.230)

In addition, part of the Catholic school crisis in Michigan, as elsewhere, seems attributable to poor planning on the part of church leaders. In Lansing, for example, two new Catholic high schools were erected during the past few years, apparently without consideration of demographic shifts, changing parental preferences in the wake of Vatican II, and other emergent factors.[22] One of these buildings is now up for sale, its remaining students having transferred to the other new school. The latter school is also in serious jeopardy. The diocese may soon find itself paying off the debt on two high school buildings, both new and both unused. Similar instances were encountered in Grand Rapids and Detroit.

The zenith of efforts to extend assistance to nonpublic schools in Michigan was reached with the passage of a law in 1970 to "purchase secular services" from nonpublic schools in the state.[23] Like all other such "purchase of secular services" bills of which we are aware, the Michigan law was patterned basically after the first such measure to be passed, in Pennsylvania. Two simultaneous developments, among others, may have encouraged this approach. On the one hand, as part of the post-Vatican ferment within their church, many Roman Catholic educators began to take issue with the older viewpoint that all instruction in church-affiliated schools must be suffused with religion. On the other hand, the Supreme Court seemed (in the eyes of numerous scholars, at least) to be moving away from its earlier position, that a high and impermeable wall of separation must be maintained, and moving toward the idea that certain "public" or "secular" functions of religious institutions could be supported without involving government in forbidden liaisons with religion.[24]

TABLE 16

PERCENTAGE OF LAY TEACHERS IN CATHOLIC ELEMENTARY SCHOOLS
IN THE FIVE DIOCESES OF THE STATE OF MICHIGAN,
ACADEMIC YEARS 1967-1968 TO 1970-1971

Diocese	1967-68	1968-69	1969-70	1970-71
Detroit	.478	.462	.535	.639
Grand Rapids	.481	.481	.481	.505
Lansing	.498	.533	.584	.636
Marquette	.348	.369	.351	.417
Saginaw	.358	.430	.484	.477
State Total	.466	.467	.524	.601

TABLE 17

PERCENTAGE OF LAY TEACHERS IN CATHOLIC SECONDARY SCHOOLS IN THE FIVE DIOCESES OF THE STATE OF MICHIGAN, ACADEMIC YEARS 1967-1968 TO 1970-1971

Diocese	1967-68	1968-69	1969-70	1970-71
Detroit	.425	.485	.510	.595
Grand Rapids	.600	.600	.600	.559
Lansing	.503	.560	.601	.620
Marquette	.205	.289	.324	.419
Saginaw	.386	.430	.488	.515
State Total	.446	.500	.528	.582

TABLE 18

PERCENTAGE OF LAY TEACHERS IN CATHOLIC ELEMENTARY AND SECONDARY SCHOOLS TO TOTAL STAFF IN FIVE DIOCESES OF THE STATE OF MICHIGAN, ACADEMIC YEARS 1967-1968 TO 1970-1971

Diocese	1967-68	1968-69	1969-70	1970-71
Detroit	.446	.455	.513	.608
Grand Rapids	.515	.515	.515	.519
Lansing	.487	.529	.575	.613
Marquette	.301	.349	.336	.411
Saginaw	.364	.426	.480	.484
State Total	.447	.465	.513	.581

It appears that the opponents of aid to nonpublic schools were aroused to more concerted action as a result of the passage of the bill to purchase secular services. Efforts were made to have the new law declared unconstitutional, and when they failed,[25] a campaign was launched to pass by referendum in the November election of 1970 the following stringently worded constitutional amendment, identified on the ballot as "Proposal C":

> No public monies or property shall be appropriated or paid or any public credit utilized, by the legislature or any other political subdivision or agency of the state directly or indirectly to aid or maintain any private, denominational or other nonpublic, pre-elementary, elementary, or secondary school. No payment, credit, tax benefit, exemption or deduction, tuition voucher, subsidy, grant or loan of public monies or property shall be provided, directly or indirectly, to support the attendance of any student or the employment of any person at any such nonpublic school or at any location or institution where instruction is offered in whole or in part to such nonpublic school students. The legislature may provide for the transportation of students to and from any school.

The battle over Proposal C was strident and well publicized, according to our contacts at the time with leaders in the state, our recent interviews, and the documents we have examined in that regard.[26] Several television stations ran special programs examining the pros and cons of the question. Proponents and opponents placed large advertisements in newspapers throughout the state. The Michigan Education Association allegedly poured many thousands of dollars into the campaign to pass Proposal C through the public school lobby's "front organizations," Council Against Parochiaid (CAP) and Citizens to Advance Public Education (CAPE). Similarly, the Michigan Catholic Conference and other "pro-parochiaid" church groups are accused of spending a great deal of money to defeat Proposal C through such "front organizations" as Michigan Citizens Against Proposal C (MCAPC), Citizens for Educational Freedom (CEF), and the Michigan Association of

Nonpublic Schools (MANS). Openly joining the Michigan Education Association in the battle to pass Proposal C were such other public school groups as the Michigan Association of Elementary School Principals; the Michigan Association of Secondary School Principals; the Michigan Association of School Administrators; the Michigan Congress of Parents and Teachers; Educators for Better Government; the Michigan Association of School Boards; numerous county boards of education; and many local public school boards, administrators, teacher associations, and parent-teacher associations. Numerous other Michigan collectivities helped, such as the Grand Rapids Association, United Church of Christ; the Genesee Baptist District Association; Americans United for Separation of Church and State; Michigan branches of the National Association for the Advancement of Colored People; the Conservative Baptist Association of Michigan; the League of Women Voters of Michigan; numerous ministerial associations; the Detroit Council of Organizations; the Detroit Council for Political Education; the Trade Union Leadership Council of the Metropolitan Detroit Labor Community Association; the Michigan Affiliate of the American Civil Liberties Union; and the Council of Baptist Pastors of Detroit.[27]

Generally well informed individuals in Michigan with whom we maintained contact during the campaign over Proposal C, including persons opposed to parochiaid, all agreed that the proposal probably would be defeated. Governor Milliken's election had been widely attributed, at least in part, to his advocacy of aid to nonpublic schools. Moreover, Proposal C was regarded by many people of differing persuasions as too extreme, an "overkill." The State Attorney General and Superintendent of Public Instruction published statements (reproduced in Appendix F) declaring that Proposal C, if passed, would outlaw not only the "purchase of secular services" law, but the auxiliary services acts, shared time programs (some of the most outstanding in the nation are in Michigan), and federal assistance (under ESEA, for example) channelled through state agencies. Proponents of Proposal C denied that it would outlaw shared time, auxiliary services, or federally provided assistance when provided exclusively on public premises.[28]

Contrary to many informed predictions, Proposal C did pass on November 3, 1970, and with a comfortable margin of 338,000 (1,416,800 for and 1,078,705 against). Interviewees gave many possible reasons for this fact. Two legislators argued that legal treatment of minorities should never be decided by a vote of the general citizenry, for almost all basic rights would soon be sacrificed in that process. These politicians insisted that Michigan citizens, if given the chance, would vote overwhelmingly to abolish open housing, welfare programs, and the Pope. Representative government had been established, he said, to protect minorities against the passions of the masses. There is still much prejudice in Michigan, many interviewees insisted, especially against the Catholic church. This contention was supported by a cartoon appearing in The Tower, the student newspaper at South High School in Grosse Point during the Proposal C campaign (Exhibit A).

Some informants said the wording of Proposal C was confusing to many voters and, as a consequence, many people who favored parochiaid cast ballots to outlaw it. To be sure, to be counted for parochiaid, one had to vote against Proposal C, but as many interviewees pointed out, few issues in Michigan had been as extensively explained and discussed as this one--over radio, in public meetings, in widely distributed literature, on billboards, in newspapers, and in special television presentations. It is difficult to believe that many people were confused by the semantics of the proposal itself.

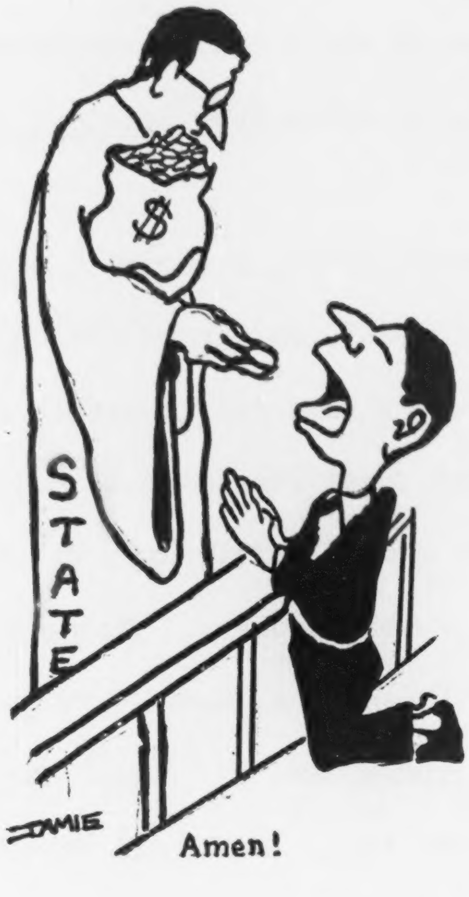


Exhibit A: Cartoon Appearing in The Tower, Student Newspaper at Grosse Point South High School.

Several interviewees, including proponents and opponents of Proposal C, said the passage of the referendum was to an important extent a matter of timing. In the opinion of these individuals, disenchantment with public education is burgeoning fast in Michigan. Most citizens have not yet abandoned hope that public educators, if given moral and financial support, will institute necessary reforms, particularly in the cities. If these reforms are not forthcoming within a very few years (perhaps as few as two or three years), many voters may decide there is no alternative to an increased reliance on nonpublic schools, publicly supported. (Ironically, there may be few nonpublic schools left to support by that time.)

Key nonpublic school leaders acknowledge that in some respects they were "outclassed" by the skill with which the campaign to pass Proposal C was waged. Public school groups effectively publicized a few simple issues that were likely to arouse voters, particularly through large advertisements inserted in the state's newspapers during the last few days before the election. In leafing through issues in late October and the first two days of November, for example, one encounters eye-catching advertisements emphasizing that parochiaid will add enormously to the tax bill for education and that minimal parochiaid is merely "a foot in the door," a guarantee that massive aid will soon follow.[29] The Detroit News published a major article suggesting that the failure to pass Proposal C would "open the floodgates" to expanded parochiaid and a vast proliferation of nonpublic schools, including many schools operated by "odd-ball" groups, black and white, and many schools segregated by race. Michigan's public schools system might be destroyed as a result. Reportedly, many black citizens became convinced that the defeat of Proposal C would mean a major new impetus to racial segregation. Caught off guard by these tactics, opponents of Proposal C were unable to marshall a counterattack before election day had come and gone. Numerous interviewees suggested that the tide of public opinion was thus shifted at the very end of the campaign.

There can be little doubt that most public educators voted for Proposal C themselves at least partly because they believed that every dollar in aid to nonpublic schools meant a dollar less in potential public school support.

Other informants, though distinctly in the minority, insisted that Proposal C passed because widespread skepticism was attached to statements by Catholic leaders. It does seem that Cardinal Dearden and other Catholic officials harmed their cause by early predictions, later proven too pessimistic, concerning the number of Catholic schools that would have to close at a given time. Consequently, some citizens refused to believe claims concerning the dire consequences of Proposal C. Some voters were further angered by the fact that nonpublic schools erected huge signs in front of their buildings urging the defeat of Proposal C and allegedly released some children from classes earlier than usual to help distribute leaflets.

After Proposal C passed, there was confusion as to what had been forbidden by the new constitutional amendment, especially in the light of charges and counter-charges during the election campaign. Attorney General Frank J. Kelley declared that shared time and auxiliary services were now illegal.[30] Several leaders who had advocated Proposal C immediately challenged Kelley, saying his opinions in this respect should be ignored. Around November 11, the Michigan Superintendent of Public Instruction, John W. Porter, recommended that shared time and auxiliary services be cut off on December 18.

On December 5, 1970, Governor Milliken filed a request, in connection with a minor case instituted earlier in Grand Traverse County, asking the Michigan Supreme Court to settle the "bitter argument over what the anti-parochiaid amendment adopted by the voters in November does to the state's nonpublic schools." The governor posed seven questions to which the court responded in its decision nearly five months later.

On December 17, the Michigan Supreme Court ordered that, while its interpretation of Proposal C was pending, the status quo must be maintained with respect to shared time and auxiliary services, but no payments could be made to nonpublic schools under the "purchase of services law." Many people felt the court would eventually rule that payments should be rendered for services "purchased" by the state at least up to the time the passage of the constitutional amendment was certified. Almost no one thought the court would hold Proposal C invalid (because unconstitutionally vague or for some other reason).

On March 31, 1971, the Michigan Supreme Court held (in Carman v. Hare, ____Mich._____) that Proposal C was valid and therefore its wording was now part of the state's constitution. In a related case, reproduced in full in Appendix F, the court interpreted Proposal C. The court struck down as unconstitutional a clause in Proposal C that prohibited use of public funds "at any location or institution where instruction is offered in whole or in part to such nonpublic school students." The "purchase of secular services" law, passed in 1970, was rendered invalid under the new amendment. But payments under that law would be made for the period from September 14 to December 18, 1970. Shared time on public premises was clearly valid. Shared time on the premises of nonpublic schools or in rooms leased from nonpublic schools would be permissible so long as the programs were under the authority, control and operation of the public school system and open to all students eligible to attend a public school, or so long as the shared time services were "incidental," "casual" or "non-instructional." Maintaining that Michigan's auxiliary services were "general health and welfare measures," the court said they were not affected by the new amendment. Federal funds, similarly, would remain uninfluenced.

Meanwhile, less than two weeks after Proposal C was passed by the Michigan voters, a two-day planning session had been held by prominent Catholic officials in the state to decide what response was appropriate under the circumstances. The consensus at the time was that, since few Catholic schools in the state would be able to survive for more than five years, the realistic approach would be to close virtually all of them in June, 1971. One predicted advantage was that this approach would provide a highly visible demonstration of what could happen nationally if steps were not taken by government to alleviate the fiscal dilemmas of Catholic schools. Sudden disaster in Michigan nonpublic schools might thus help nonpublic schools elsewhere. Furthermore, if Catholic schools were closed quickly and decisively in the wake of Proposal C, it would seem obvious that the debacle resulted from the withdrawal of state aid. If the schools closed spasmodically over a five-year period, Catholic laymen would be more likely to blame their leaders. The possibility was entertained of abandoning only the schools faced with the most severe deficits, but Cardinal Dearden of the Detroit Archdiocese announced publicly that he would not tolerate a shift toward an elitist Catholic school system. If schools for low-income families had to be abandoned, all Catholic schools would be shut down.

During the next few weeks, it became obvious that an orderly process was needed to the relevant decisions, for otherwise some parishes and groups of people would be burdened disproportionately. Some dioceses in the state might keep most of their schools open in the expectation that a new supply of low-cost religious teachers would suddenly become available when (as was expected), most schools in the Detroit Archdiocese expired. As a result of the recent birth rate decline, Michigan now had a surplus of qualified teachers, and it was clear that many personnel who had served the Catholic schools well for many years, often at substandard salaries, would suddenly be unable to find employment if the bulk of the Catholic schools were to fold up all at once. (Leaders are now strongly urging that Catholic schools try to fill all vacancies by hiring personnel from defunct Catholic schools. Scores of former Catholic school teachers in Michigan are now unemployed.)

At a subsequent meeting of the five Michigan diocesan school superintendents, uniform criteria were formulated as a way of determining which schools should be discontinued at the end of the 1970-71 school year. For example, if a parish, after systematically reviewing its fiscal status, could not see a way to avoid deficits over the coming five years without sacrificing program quality, it would be required to discontinue operations in June, 1971. Decisions were to be made on the assumption that no state aid would be available. There is now widespread agreement among nonpublic educators in Michigan that the only hope of financial succor is the federal government. Eventually, if Washington establishes a strong precedent, something may be possible in Michigan.

Shocked by the realization that their schools could disappear within a few months, parents in many areas created ad hoc committees to find new sources of revenue. As a result of this reaction, initial estimates concerning closures and enrollment losses were scaled down. By the time most school-by-school analyses had been completed and reported, around the end of March, 1971, it appeared that about 20 per cent of Catholic schools outside the Detroit Archdiocese would disappear in June, shifting approximately 22,000 students to the public schools.

The Archidocese of Detroit was regarded as a special case, since many Catholic schools within its boundaries were located in depressed areas, where parents could not possibly maintain them financially. Here predictions of disaster brought emotional reactions. Groups of parents, black and white, demonstrated in front of archdiocesan offices, demanding that their schools be preserved. In response, Cardinal Dearden created a special task force, representing many segments of Catholicism, to create guidelines for determining what schools in the archdiocese could continue operating. In January, 1971, the criteria formulated by the task force (reproduced in Exhibit B) were circulated to all schools in the archdiocese. In addition to showing it could maintain fiscal stability and an adequate program of service to its people, to maintain a school a parish was required to comply with the following mandate:

> The obligation of the entire diocese to the poor and educationally disadvantaged must be continued in some manner. We will not allow parishes to continue to operate schools, if at the same time they show little or no concern for the poor. Therefore, each parish wishing to retain a school must show this awareness in a positive manner, and evidence of this must appear on their report.

As we make the final revisions to this chapter (May 11, 1971), the school superintendent of the Detroit Archdiocese reports that the fate of ten schools is still in doubt and that decisions concerning numerous other schools in the archdiocese will have to be reexamined in the light of a recent indication that more religious teachers will withdraw their services than had previously been assumed. Current plans call for the closing of 20 Detroit schools out of a total of 105 now operating and for the curtailment of programs in several others, with a consequent shift of about 6,840 students to the Detroit public schools. An additional 41 schools, at least,

EXHIBIT B

CATHOLIC ARCHDIOCESE OF DETROIT'S CRITERIA FOR CONTINUING OPERATION OF PARISH OR INTER-PARISH SCHOOLS: JANUARY, 1971

Each parish should fill out the reporting forms provided, with as much detail as possible.

I FINANCIAL CRITERIA

A. Projection of the Future

1. A three year financial stability should be projected.
2. 10% - 12% cost increase each year is reasonable.
3. How are these increases to be met at the parish level?
4. This year's marginal operation will be next year's deficit operation. Look carefully at this.
5. No borrowing will be permitted.
6. Deficits encountered in fiscal year 1971-72 will be an indication that the school will be closed at the end of fiscal 1972.

B. A Reasonable Amount of Money is Provided for the Parish Program

1. A reasonable amount of parish subsidy to schools would be 40% of total parish income, if grade or high school only; 55% if both grade and high.
2. Parish budget should indicate reasonable amounts to be spent on:
   a) Operation of church and rectory;
   b) Religious education;
   c) Worship;
   d) Christian service program;
   e) Other.

C. The Archdiocesan Programs which indicate a concern for those activities not directly related to the parish should remain at the present level of support. Included here would be:

1. Diocesan taxes;
2. ADF;
3. Outside collections, e.g. American Missions, Catholic University, etc.

4. Human Development.

D. A ten year schedule of reduction of capital indebtedness must be shown.

E. Interest payments on debts must be included in total budget.

II SERVICE CRITERIA

A. What is the extent of service the school is providing to the total parish community?

1. Number of school age children;
2. Number enrolled in Catholic school;
3. Number enrolled in public school religion programs;
4. Number of families in parish;
5. Number of families serviced by the Catholic school;
6. Number of families serviced by other educational efforts.

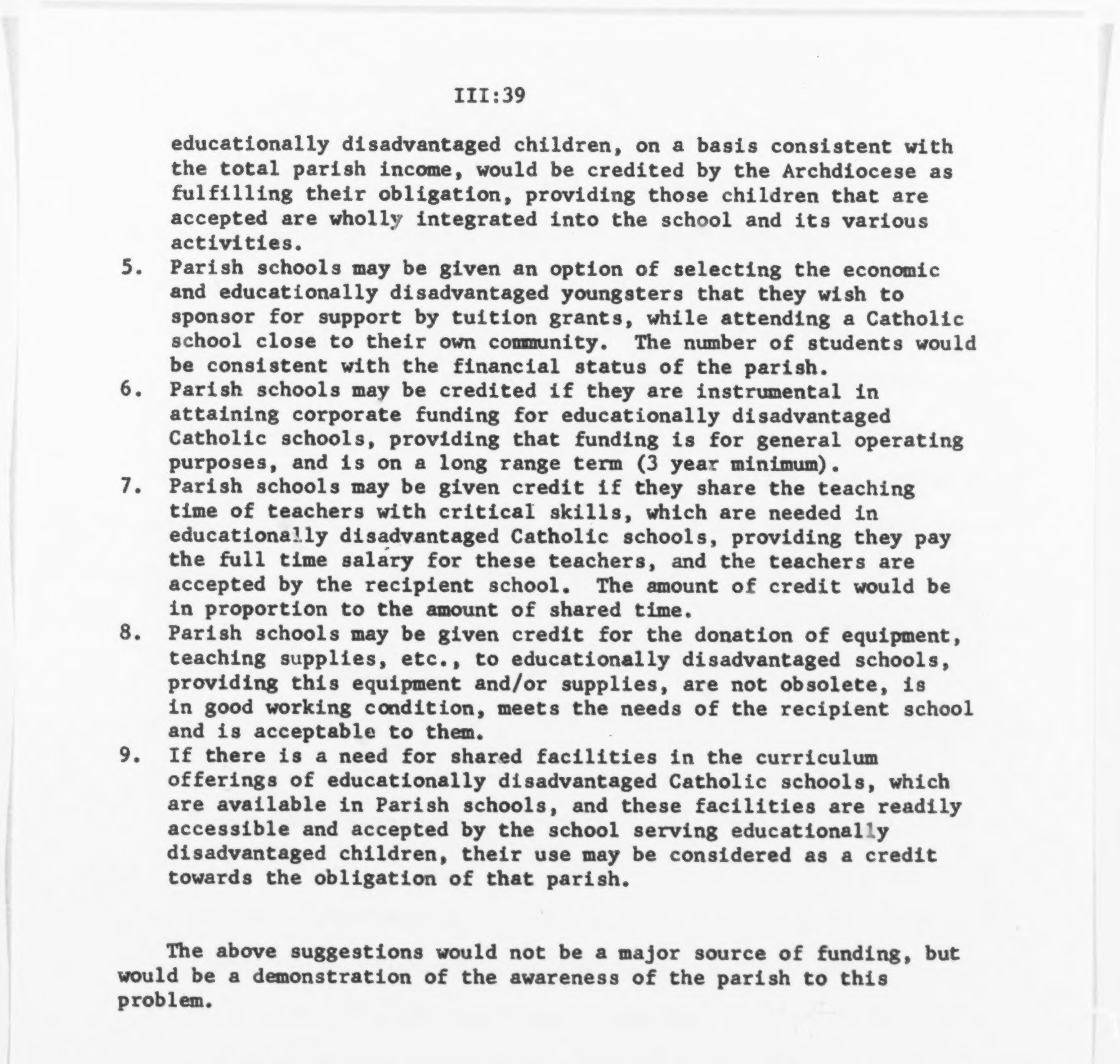
B. The existing program must be a program of quality education.

1. Curriculum - Comprehensive curriculum and suitable for needs of children.
2. Quality teachers
3. Adequate facilities and materials
4. Competitive with modern developments in education.

III THE APOSTOLATE OF THE CHURCH

The obligation of the entire diocese to the poor and educationally disadvantaged must be continued in some manner. We will not allow parishes to continue to operate schools, if at the same time they show little or no concern for the poor. Therefore, each parish wishing to retain a school must show this awareness in a positive manner, and evidence of this must appear on their report. Suggested plans follow; although a parish may choose some other plan, if they so desire.

1. A total parish commitment to a collection during Lent;
2. A significant scholarship program for the poor;
3. A specific grant to the diocese from their savings;
4. Those parish schools which, as a matter of policy, choose to award tuition grants in whole or part to economic, and/or



educationally disadvantaged children, on a basis consistent with the total parish income, would be credited by the Archdiocese as fulfilling their obligation, providing those children that are accepted are wholly integrated into the school and its various activities.

5. Parish schools may be given an option of selecting the economic and educationally disadvantaged youngsters that they wish to sponsor for support by tuition grants, while attending a Catholic school close to their own community. The number of students would be consistent with the financial status of the parish.
6. Parish schools may be credited if they are instrumental in attaining corporate funding for educationally disadvantaged Catholic schools, providing that funding is for general operating purposes, and is on a long range term (3 year minimum).
7. Parish schools may be given credit if they share the teaching time of teachers with critical skills, which are needed in educationally disadvantaged Catholic schools, providing they pay the full time salary for these teachers, and the teachers are accepted by the recipient school. The amount of credit would be in proportion to the amount of shared time.
8. Parish schools may be given credit for the donation of equipment, teaching supplies, etc., to educationally disadvantaged schools, providing this equipment and/or supplies, are not obsolete, is in good working condition, meets the needs of the recipient school and is acceptable to them.
9. If there is a need for shared facilities in the curriculum offerings of educationally disadvantaged Catholic schools, which are available in Parish schools, and these facilities are readily accessible and accepted by the school serving educationally disadvantaged children, their use may be considered as a credit towards the obligation of that parish.

The above suggestions would not be a major source of funding, but would be a demonstration of the awareness of the parish to this problem.

will close in areas of the archdiocese outside the city of Detroit, in addition to numerous program cut-backs. All in all, officials prophesy that at least 22,780 Catholic students in the archdiocese will transfer to public schools in the fall of 1971.

An earlier estimate placed the anticipated total student loss for the Archdiocese of Detroit at between 43,000 and 63,000. One prominent

Catholic school leader commented that all these estimates were too optimistic in the light of the financial dilemma of the Detroit Catholic schools. He said archdiocesan enrollment could drop by as much as 83,000 at the end of the 1970-71 school year. If so, that would bring the state-wide loss for Catholic schools alone to 105,000 students in a single year (49 per cent of the 214,000 students currently enrolled)! This possibility is underlined by our most recent inquiries (in May, 1971), which suggest that morale within the Catholic school system in Michigan, which had sunk to alarming depths by the time of the March and April interviews, is continuing to deteriorate rapidly. If few Catholics believe the system can be salvaged, few will be prompted to try.

During the present school year (1970-71), the Detroit Archdiocese is providing a subsidy of $1,700,000 to keep 21 inner-city Catholic schools open. All inner-city parishes in Detroit, we are informed, now have deficits of at least $100,000 each. For an indefinite period, the three vicariates (subdivisions of the archdiocese) in which these inner-city schools are located have been promised an annual archdiocesan subsidy of $210,000 each, and have been asked to plan accordingly. Many Catholic schools outside the inner city have pledged that they will help raise this money in response to Cardinal Dearden's stipulation that if schools for the poor are allowed to close, all Catholic schools must close. Some Catholic schools are "adopting" students from adjoining poor parishes that close their schools, and are providing tuition-free instruction to them. Some schools are recruiting poor children in significant numbers (on scholarships) from outside the parish. Some parishes are paying the salaries of teachers in schools operated by impoverished churches.

In one of the above-mentioned inner-city vicariates, to illustrate the plans that have been made, three schools will be kept open in place of the six (five elementary and one secondary) now operated. A nongraded primary school will be maintained in one location, grades 5 through 9 will be taught in the building now used as a high school, and all of the first nine grades will be housed in another location. The last three years of high school will be abandoned. Some students in these grades will be able to transfer to another Catholic high school about two miles away. Another vicariate, now running 6 elementary schools and two high schools, will maintain only one centrally located elementary school and one high school. It will attempt to sell a high school building erected only four years ago.

The top education official of the Michigan Catholic Conference estimates that Catholic school enrollment in the state will eventually stabilize at around 120,000 students. Other Catholic leaders predict larger losses. There are reasons to suspect that many Catholic officials, though badly shaken by setbacks, are still too optimistic. Many seem to feel that tuition increases agreed upon by patrons will help considerably to keep the schools out of debt. But patrons could reduce their donations to the church to compensate for the increased school fees, thus leaving the fiscal status of the parish as a whole exactly where it was before tuitions were increased.

Many interviewees testify to a widespread uncertainty and instability, particularly in Catholic schools. Much planning for future experimentation has been dropped. Teachers, administrators, and patrons seem disconsolate. Lay teachers, believing they may lose their positions before long, are likely to grasp the first attractive alternative that comes along.

Religious personnel are making plans to shift into other church enterprises. Parents who in normal times would have enrolled their children in Catholic schools at the beginning of the elementary or secondary grades are often deciding that, since the schools may not last very long, it is better to let the child begin adjusting to public education at once, rather than subjecting him to a transfer in the near future. Even where there is a demand for Catholic schools, as in some suburbs to which Catholics have recently moved, no one is in a mood to erect the necessary buildings. Numerous members of diocesan school staffs seem jittery and depressed. Under these conditions, almost anything can happen.

Even before Proposal C passed, Catholic leaders were giving serious thought to the idea of transferring title and control of the parochial schools from the church to local corporations whose trustees would be elected by parents, a system utilized by the Calvinist schools for many years. (This idea is discussed at length in Chapter X of Volume I.) The hope is that the shift would stimulate a greater sense of parental responsibility for supporting the schools, and might facilitate the provision of public aid in the future, though practically no hope is entertained any more for obtaining assistance at the state level, at least within the forseeable future.

Calvinist leaders predict that their schools will experience a continuing though minor decline in enrollment and in the process will become more exclusive socio-economically, unless some form of public assistance is provided. Though the majority of patrons in Calvinist schools enjoy at least modestly adequate incomes, many families are making large payments on homes, automobiles, and other possessions and consequently have been affected severely by the recent economic recession. It is estimated that the Calvinist schools in Michigan have been losing approximately 2 per cent of their total enrollment each year for the last four years or so. Thus far, they have resisted shared time as a possible partial solution to the financial dilemmas, but in the words of one leader, "it may become necessary in the future." The Grand Rapids Christian School Association, for example, a unit that operates 7 elementary schools, 5 junior high schools, and 2 senior high schools, anticipates a cumulative deficit of $300,000 as of August, 1971, of which $190,000 is being incurred during the current school year.

Our Calvinist interviewees emphasized that they were eager to become involved in the education of disadvantaged youngsters, but could afford little of this under current conditions. Their Oakdale Elementary School in Grand Rapids, with a student body 9 per cent black and nearly 4 per cent Cuban, reportedly has generated much enthusiasm among church people in the state. Some $20,000 is now being invested in a new learning center at Oakdale which will be operated, in cooperation with Calvin College, mainly for the benefit of blacks and Spanish-Americans.

There is apparently no immediate danger of a large enrollment drop-off in Michigan schools operated by the Lutheran Church--Missouri Synod. The last two years have seen a very small decline, less than 1 per cent per year, virtually the first enrollment loss in recent memory (see Table 19). Leaders report, however, that the constituency of the Lutheran schools is changing. The percentage of Lutherans in the state is dropping, and the proportion of school-age children in Lutheran churches who are sent to Lutheran schools is declining, but the schools are holding the total enrollment almost steady by enrolling more non-Lutherans, particularly in city schools. The relative enrollment stability is also a function of modifications in church policies with respect to the financing of parochial schools. At one time, all Lutheran elementary and secondary schools were funded by local churches entirely (with only very limited services provided at district and national levels). Now the Michigan District is granting about $18,000 a year in subsidies to an all-black school in Detroit. There are indirect subsidies to many small Lutheran schools, for the district helps support the parishes as a whole, thus making it possible for the parishes to maintain schools and other services that could not otherwise be underwritten.

TABLE 19

RECENT ENROLLMENT TRENDS IN MICHIGAN SCHOOLS OF
THE LUTHERAN CHURCH--MISSOURI SYNOD

	1966-67	1967-68	1968-69	1969-70	1970-71
Elementary Schools					
Schools	117	117	117	115	113
Enrollment	18,826	18,968	18,766	18,741	18,547
Teachers	676	686	698	713	719
High Schools					
Schools	2	2	2	2	2
Enrollment	1,238	1,296	1,303	1,304	1,315
Teachers	61	63	65	68	69
Totals					
Schools	119	119	119	117	115
Enrollment	20,064	20,264	20,069	20,045	19,862
Teachers	737	749	763	781	788

Within a few years, however, serious problems may be anticipated in Lutheran education, largely because the willingness of most teachers in these schools to work for remuneration grossly out of proportion to public school salaries is expected to wane, according to officials, just as it has done in Catholic schools and elsewhere. The median salary for a newly graduated, fully certified teacher in Michigan's Lutheran schools at present is approximately $5,300. No educational official in the entire district makes a salary above $12,000. When the practice of requiring teachers and administrators to subsidize the system breaks down, drastic expenditure increases will be necessitated. That crisis will probably be intensified by the demands of women teachers, who now are paid considerably less than male teachers with equal qualifications. Females comprise approximately 50 per cent of the teaching force.

Though no one mentioned the possibility explicitly, we suspect that Calvinist and Lutheran school leaders in the state are hoping that the possibility for public support will be brighter five or six years from now, after public disenchantment with public schools has intensified, after most Catholic schools (the objects of the most intense prejudice) have disappeared, and after the Catholic schools that remain are run by local corporations of parents rather than the church. Part of the long-range strategy may be to outlast the Catholic schools, weathering the storm until conditions become more favorable. Numerous informants have mentioned that the direct connection between Catholic schools and churches has been perhaps the most serious impediment to parochiaid in Michigan.

Nonpublic schoolmen at high levels in the state generally claimed, as did some public schoolmen and legislators, that a great deal of bitterness had been generated toward public schoolmen among Catholics and other patrons of nonpublic schools by the campaign over Proposal C. It was apparently obvious that public school teachers and administrators were spearheading the effort to outlaw all aid to nonpublic schools. Lawmakers whom we interviewed, along with several other individuals well acquainted with conditions in Lansing, agreed that the public school lobby apparently sacrificed its chances to achieve important public school reforms, at least in the short run, by the all-out effort to outlaw parochial school assistance. On September 30, 1969, a special commission established by the governor had recommended a series of educational policies, most of which had long been advocated by public school leaders (the main recommendations are reproduced in Appendix F). Included in the package, however, was a plea for direct assistance to nonpublic schools in Michigan. In the perception of many informants, the time was ripe for legislative enactment of the entire package. However, officials of the Michigan Education Association and other prominent public school spokesmen reportedly "zeroed in" on an effort to defeat parochiaid and in the process lost their chance to obtain numerous reforms they had demanded for years. Since estimates indicate that at least a 3 per cent state income tax would be required to finance the reform package, it is not likely to be adopted without backing from a broadly based coalition. Pro-parochiaid legislators, angry concerning the prominence of public school lobbyists in the passage of Proposal C, now would be exceedingly reluctant to support the rest of the reform package. Some lawmakers purportedly were furious with the Michigan Education Association, even before the Proposal C campaign, because of arm-twisting that occurred while the "purchase-of-secular-services" law was under consideration.

The anger of Catholics and other patrons of nonpublic schools in the wake of Proposition C was probably deepened by a press release published by newspapers throughout the state, from an official of the Michigan affiliate of the American Civil Liberties Union. The official flung down the following strident challenge: "To those tax-hungry clergymen who formed an alliance with unprincipled politicians to jam repeated parochiaid measures through the legislature and who, during this campaign, have threatened to close their religious schools and 'dump' students into the public schools, we say, 'Don't just talk about it, DO IT!'"[31]

Some Catholic leaders say they are "mystified" concerning the single-minded passion with which public educators campaigned to defeat all varieties of parochiaid, direct and indirect. Virutally all interviewees acknowledge that Catholics in Michigan have generally supported public school referenda in recent years. Politicians from predominantly Catholic areas had indicated their willingness to support the governor's reform package for education. Suddenly, it seemed, public schoolmen turned with a vengeance on their Catholic friends, taking such drastic action that much of the Catholic school system seemed doomed.

The air of disillusionment with public education is also partly fueled by the perception of some well placed observers that the Michigan Education Association cold-shouldered the governor's reform package because it included a statewide educational evaluation program, apparently an initial step toward acquiring data by means of which public schools could be held accountable. Apparently a good number of school administrators announced that they would refuse to release the necessary data. In the words of one education reporter, public leaders said, "It is none of your damn business. We know how to run the schools!" Even the most stable, thoughtful parents were becoming angry, several interviewees said, because they saw teachers as "featherbedding," striking for purely selfish reasons, administrators as lacking "guts" in matters of discipline, and violence as being allowed to take over in urban schools.

Several interviewees insisted that public educators had seen Proposal C as an opportunity to obliterate all forms of competition and thus to acquire firmer control of state educational policy. The tighter monopoly would be a major bargaining advantage to the teachers' union. Parents who previously were able to take their children elsewhere in response to programs they disliked would now have to accept whatever instruction public educators thought best.

Most nonpublic school officials with a state-wide or metropolis-wide perspective said the aftermath of Proposal C was being felt dramatically at the local level in the form of repeated turndowns of public school millage and bond issue referenda. In Bay City, they pointed out, where approximately 37 per cent of all school children currently are enrolled in nonpublic schools, a public school referendum was rejected during March, 1971, by a margin of four to one. At approximately the same time a similar defeat was experienced in Grosse Point, where approximately 50 per cent of students are in nonpublic schools, though Grosse Point has had a reputation of "always" giving the public schools the support they request. In Grand Rapids, where a referendum was pending when our interviews were held, some informants said behind-the-scenes pressure was being put on the public school board to purchase an empty but almost new Catholic high school building as a way of persuading Catholics to vote favorably.

Numerous spokesmen for nonpublic schools spoke bitterly of public school leaders who held victory celebrations when Proposal C passed, but just a few days later visited Catholic priests and Lutheran pastors to ask for support in connection with pending millage and bond issue campaigns. As several leaders put it, Catholic, Lutheran, and Calvinist school patrons were looking forward to drastically increased educational costs in the private sector and were planning to "conserve their resources" by withholding money from the public schools.

When we conducted interviews among local school officials, however, a somewhat different picture emerged. The recent defeat of public school millage referenda seemed more clearly attributable to the resistance of citizens, at the end of a recession, to continued increases in local taxes. Millage increases seemed twice onerous because real estate valuations had recently been raised considerably. Many families were still in difficulty as a result of the strike at General Motors. Much of the anger of Catholics who were losing their schools was being directed at each other, rather than at public officials. Catholics were hurt to discover the antagonism of Michigan citizens toward parochial schools, but were even more frustrated to witness a heavy vote in favor of Proposal C in predominantly Catholic areas of the state. Many Catholics openly accused Cardinal Dearden and other leaders of inept tactics during the election campaign, of not really trying to find funds to keep more schools open, and of diverting too much money to inner-city parishes. Many Catholics condemned fellow church members who helped pass Proposal C. In an interview, a nun broke down in tears four times, stating as if in unbelief, "Some of our own people voted against us!" It was as if the recent decade or so of disagreement within parishes over the value of Catholic schools had reached a strident climax. Some Catholics were using Proposal C to get rid of the parochial schools that had consumed so much parish revenue while serving only a minority of families in the parish.

These times were hard, a few Catholic leaders said, but at least the issue was being laid to rest. Now the church could get on with the business of creating mechanisms that would benefit all Catholics, not merely those who had patronized parochial schools. Now acerbic arguments over the local Catholic school could cease, allowing wounds to heal. No one suggested that the dying schools might be resurrected in the future.

Some well-informed respondents (e.g., newspaper reporters) state that more responsibility for the defeat of public school referenda must be assigned to the allegedly slipshod way in which such referenda are handled and to general disaffection with public schools in Michigan. As one reporter put it, too many public school administrators try to run a "sneak campaign" by picking an obscure date for a referendum, "getting the teachers out in lockstep to vote and bring in their friends," and propagandizing parents through their children. Then, when the referendum fails, "they blame the Catholics." But in the long run, this man emphasized, the odds are with the public schools. Administrators simply try again and again to obtain a favorable vote. Eventually their opposers become fatigued and the measure passes.

The results of the passage of Proposal C will also be felt in the form of public school expenditures occasioned by the accelerated transfer of students from nonpublic schools at the end of the beginning of the next school year (1971-72). When we interviewed the official in the Michigan Department of Education who, according to the State Superintendent of Public Instruction, was most likely to be aware of the potential impact on public schools, we were informed that all public school districts in the state, so far as he knew, would be able to manage the change-over without serious difficulty, partly because of the effects of the recent birth-rate decline. So far as we could determine, he was entirely unapprised of the problems (described below) faced by the Detroit public schools. (One Detroit official accused the Michigan Department of Education of being unaware that Detroit was in the State of Michigan.) This situation obviously does not augur well for revenue sharing programs that leave the apportionment of federal funds up to the states.

The Governor of Michigan is probably more cognizant than his educational leaders of the special needs of Detroit. At least he has proposed (in Senate Bill No. 107 and House Bill No. 4249) a program of "impact aid" that would help the metropolis to a limited extent as it grapples with the problem of parochial-school closures. Officials of the state Budget Division are assuming an influx of 75,000 students from nonpublic schools to public schools in the fall of 1971, the bulk of the transfer to occur in the general area of Detroit. The governor is proposing that $24 million be appropriated to help public schools accommodate the shift. If the proposal is adopted by the legislature, each public school district will receive a special state grant of $305 for every transferee from nonpublic schools beyond the number of transferees (estimated by a special formula) that could have been anticipated in "normal" times. Interestingly, the $24 million estimated as the cost of this impact-aid program is exactly $2 million more than the estimated first-year cost ($22 million) of the "purchase-of-secular-services" law outlawed by the passage of Proposal C.

In Grand Rapids and Detroit, several informants predicted that the closing of some Catholic schools would doom the affected neighborhoods to become all-black in a short length of time, for many parents could move away rather than permit their children to attend the local public schools.[32] In one Grand Rapids parish that will probably lose its Catholic school as of June, 1971, the number of offering envelopes being turned in to the church collections has dropped from 2,900 to 400 over the past few years, for most former members have gone to suburbia. Under conditions like this, it is impossible to preserve parochial schools without sizeable public assistance.

Parochial school cut-backs in Detroit will affect the public schools most severely in the form of an immediate need for new classrooms in numerous schools, though the necessity of providing additional teachers will also be very expensive. In this respect, Detroit public school officials exhibited a puzzling change of tune during the present study. In our first lengthy interview with several high officials identified by the general superintendent as knowing about the topic, we were informed that problems occasioned by parochial school closings in several areas of the city would be "impossible." One official cited numerous figures from an in-house study of the topic, showing there was a marked tendency for anticipated Catholic school closures and cut-backs (figures on these closures and cut-backs were provided to the public schools by the Detroit Archdiocese) to occur in areas where public schools were already overcrowded to a serious extent. The official quoted the study as concluding, in connection with a certain area of Detroit, that the only solution in sight was to "pray that the Catholic schools don't close." The official promised to try to obtain permission to supply us with a copy of the study so we could include the pertinent data in the present report.

A few weeks later, however, Detroit public school officials began informing the press that Catholic school closings could be handled with little difficulty.[33] It was pointed out that the number of students involved was not unusually large for the city as a whole, but nothing was said about the fact, emphasized in our earlier interview, that the greatest influx of students would be felt in areas where public schools were already operating beyond capacity. In the meantime, we have been refused access to the above-mentioned study on the grounds that it is "incomplete." We suspect that Detroit public school officials are inaccurately minimizing the difficulties they will face in the fall of 1971.[34] The data quoted in the first interview were dramatic and unequivocal.

To make the situation more bleak, officials of the Detroit Archdiocese say their experience with leasing their buildings to public agencies has been so discouraging that they are not willing to do so in the future. If Detroit public educators want to use abandoned Catholic school buildings, they may have to purchase them. Since the Detroit public schools already are facing a deficit of $29 million dollars, have dismissed 192 "emergency substitutes in regular positions," and have eliminated several programs for lack of money, it is difficult to see where the funds for additional buildings can be found, particularly since the Michigan Department of Education seems unaware of the problem.

NOTES

[1] Donald A. Erickson, "Nonpublic Schools in Michigan," in J. Alan Thomas, School Finance and Equal Opportunity in Michigan (Lansing, Mich.: Michigan Department of Education, 1968), pp. 209-291.

[2] The figures were derived in 1966-67 from the Michigan Department of Education. At the present time (April, 1971), however, the department reports a different figure for 1966-67: 353,444, almost 15,000 more than the earlier estimate. The most recent estimate is taken from a letter from Robert Hornberger, Director, Department Services Division, Michigan Department of Education, dated April 26, 1971.

[3] The figure is somewhat inflated in one sense, since some schools within these groups would be likely to refuse state aid, but deflated in another sense, since some schools outside these groups (e.g., Jewish day schools) would be likely to accept the aid.

[4] See "The Social and Religious Sources of the Crisis in Catholic Schools," Volume II in the present series.

[5] See Donald A. Erickson, Crisis in Illinois Nonpublic Schools (Springfield, Ill.: Elementary and Secondary Nonpublic Schools Study Commission, State of Illinois, 1971), p. 9-14.

[6] In addition, it was possible to infer a barrier to aid to nonpublic schools from the following statement in Article IX, Section 11: "There shall be established a state school aid fund which shall be used exclusively for aid to school districts, higher education, and school employees' retirement systems, as provided by law."

[7] Mich. Stats. Ann., § 15.3622 Auxiliary services for children attending non-public schools; use of state funds; rules and regulations.] Sec. 622. Whenever the board of education of a school district provides any of the auxiliary services specified in this section to any of its resident children in attendance in the elementary and high school grades, it shall provide the same auxiliary services on an equal basis to school children in attendance in the elementary and high school grades at non-public schools. The board of education may use state school aid funds of the district to pay for such auxiliary services. Such auxiliary services shall include health and nursing services and examinations; street crossing guards services; national defense education act testing services; speech correction services; visiting teacher services for delinquent and disturbed children; school diagnostician services for all mentally handicapped children; teacher consultant services for mentally handicapped or emotionally disturbed children; remedial reading; and such other services as may be determined by the legislature. Such auxiliary services shall be provided in accordance with rules and regulations promulgated by the state board of education in accordance with Act No. 88 of the Public Acts of 1943, as amended, being sections 24.71 to 24.80 of the Compiled Laws of 1948, and subject to Act No. 197 of the Public Acts of 1952, as amended, being sections 24.101 to 24.110 of the Compiled Laws of 1948. (CL '48, § 340.622.)

§15.3590 (1) Payment for transportation; nonpublic school students; distance and routes.] Sec. 590a. Any school district transporting or paying for transportation of any of its resident pupils, except mentally and physically handicapped children under section 774 of this act, or children enrolled in special education classes, shall transport or pay for the transportation of every resident child in the elementary and high school grades for whom the school district is eligible to receive an allotment from the school aid fund for transportation pursuant to section 11 of Act No. 312 of the Public Acts of 1957, as amended, attending either the public or the nearest state approved nonpublic school available to which nonpublic school the child is eligible to be admitted, in the school district, without charge to the resident child, his parents, guardian or person standing in loco parentis to the child. No school district shall be required to transport or pay for transportation of any resident child living within 1½ miles, by nearest traveled route, to the public or state approved nonpublic school in which he is enrolled. No school district shall be required to transport or pay for the transportation of any resident child attending a nonpublic school who lives in an area less than 1½ miles from a public school in which public school children are not transported, except that the school district shall be required to transport or pay for the transportation of such resident child from the public school within such area to the nonpublic school he attends. The state approved nonpublic school is defined as one complying with the provisions of Act. No. 302 of the Public Acts of 1921, being sections 388.551 to 388.558 of the Compiled Laws of 1948. (Cl '48, § 340.590a.)

§ 15.3590(2) Transportation to nonpublic schools outside district.] Sec. 590b. No school district shall be required to transport or pay for the transportation of resident children to state approved nonpublic schools located outside the district unless the school district transports any of its resident children, other than mentally and physically handicapped children under section 774 of this act or children enrolled in special education classes, to public schools located outside the district, in which case the school district shall transport or pay for the transportation of resident children attending a state approved nonpublic school at least to the distance of the public schools located outside the district to which the district transports resident children and in the same general direction. (CL '48, § 340.590b.)

§ 15.3591 Contracting to furnish transportation for nonresident pupils.] Sec. 591. The board of any school district may enter into a contract with any other district or with private individuals to furnish transportation for nonresident pupils attending public [and state approved nonpublic] schools located within such district or in other districts. In no event may the price paid for such transportation be less than the actual cost thereof to the district furnishing the same. (CL '48, § 340.591.)

§ 15.3592 Transportation to nonpublic schools; limitation.] Sec. 592. ◆ Children attending ◆ [public and the nearest state approved nonpublic school available, to which nonpublic school the child may be admitted,] shall be transported along the regular routes ◆ [as determined by the board of education to public and state approved nonpublic schools. Transportation to public and the nearest state approved nonpublic school located within or outside the district to which nonpublic school the child is eligible to be admitted shall be provided in accordance with rules and regulations promulgated by the superintendent of public instruction, which rules shall not require the transportation or payment for transportation for nonpublic school children on days when public school children are not transported.] ♦ Nothing contained in this [act] shall be construed to require or permit transportation of pupils to a ♦ [state approved nonpublic] school attending in the elementary grades where such transportation is furnished by the district for high school pupils only, nor to require or permit the transportation of pupils to a ♦ [state approved nonpublic] school attending the high school grades where such transportation is furnished by the district for elementary pupils only. All vehicles used for the transportation of children shall be adequate and of ample capacity. (CL '48, § 340.592.)

[8] John L. Gaffney, *Participation of Michigan Catholic School Children in Federal and State Programs, 1965-66* (Lansing, Mich.: Michigan Catholic Conference, 1966).

[9] *Ibid.*

[10] *Ibid.* The estimated dollar value of participation was based upon an average expenditure of $45 per child throughout the state.

[11] "Preliminary Summary of the 1967-1968 Survey of the Participation of Catholic School Children in Federal and State Programs" (mimeographed report, Michigan Catholic Conference).

[12] See footnote 2, above.

[13] Gaffney, *Participation*.

[14] *Ibid.*

[15] *Ibid.*

[16] "Preliminary Summary."

[17] Virgil Blum, "The Negro Child--Twice Deprived," *Ave Maria*, April 1, 1967.

[18] For corroborating evidence, see John F. Neill, "The Michigan Catholic Conference: Development of a New Church Decision-Making Structure" (unpublished Ph.D. dissertation, Department of Education, University of Chicago, 1969).

[19] Neill, "Michigan Catholic Conference."

[20] In the above-mentioned letter from Robert Hornberger of the Michigan Department of Education, enrollment in the state's nonpublic schools between 1966-67 and 1970-71 is reported as follows:

1966-67 : 353,444
1967-68 : 338,945
1968-69 : 323,666

1969-70 : 296,309
1970-71 : 274,692

But see footnote 2 for evidence concerning the lack of reliability in these estimates.

[21] See "Social and Religious Sources," Volume II in this series.

[22] Ibid.

[23] The law is found in the following passages of Mich. Stats. Ann.:

Act 312 of 1957 (Continued)

Chapter 2

(Chapter 2 added by Pub Acts 1970, No. 100, eff September 1.)

§ 15.1919(105) Definitions.] Sec. 55. As used in this chapter:

(a) "Superintendent" means the state superintendent of public instruction or any successor to the powers, duties and functions of that office.

(b) "Certified lay teacher" means a teacher who holds a valid certificate or permit issued by the state to teach in the public schools of this state and is not a member of a religious order, who by vow or promise has chosen the religious life of poverty as a vocation or who wears any distinctive habit, or both.

(c) "Eligible unit" means a board of education, association or corporation operating a nonpublic school or system of nonpublic schools, which is complying with all educational standards as required by law, has filed with the state department of education a certificate that it complies with section 2 of article 8 of the state constitution and title VI of the civil rights act of 1964 (Public Law 88-352) in effect on December 1, 1969, has applied on a form provided by the superintendent for aid provided by this chapter for the fiscal year 1970-71 by August 15, 1970 and for each succeeding fiscal year by October 1 prior to the beginning of the fiscal year for which such aid is sought and is certified by the superintendent as having substantially complied with all state laws concerning evaluation of pupils and other laws applicable to nonpublic schools. If an application is not made it shall be conclusive evidence that an eligible unit does not desire to participate in the provisions of this chapter for that year.

(d) "Secular subjects" means those courses of instruction commonly taught in the public schools of this state including but not limited to language skills, mathematics, science, geography, economics, history, as defined by the state department of education, which shall expressly not include any course of instruction in religious or denominational tenets, doctrine or worship or the primary purpose of which is to inculcate such tenets, doctrine or worship. Textboods used in such secular subjects shall meet the same criteria as required of textbooks used in the public schools. (CL '48, § 388.665.)

§ 15.1919(106) Declaration of policy.] Sec. 56. The legislature

finds that large numbers of children are being educated in nonpublic elementary and high schools in this state and further finds that increasing costs of education are impairing the quality of secular education of children enrolled in nonpublic schools lawfully selected by their parents. These schools perform, in addition to their sectarian function, the task of secular education. The legislature declares as public policy of the state that the public good and general welfare require that state appropriations now provided to public school districts under this act for the purpose of furnishing opportunities for public school children to secure a quality secular education be extended to assist in providing opportunities for quality secular education to children attending nonpublic elementary and high schools, as part of a general program to foster and encourage knowledge so as to provide a mature citizenry capable of contributing to good government, and to the safety and the economic and civil well-being of all the people of this state.
(CL '48, § 388.666.)

§ 15.1919(107) Appropriation.] Sec. 57. A sum necessary to fulfill the requirements of this chapter is appropriated from the general fund to the department of education for the fiscal year ending June 30, 1971, and for each fiscal year thereafter.
(CL '48, § 388.667.)

§ 15.1919(108) Limitation on appropriation; amounts included in expenditures.] Sec. 58. The sum so appropriated shall not exceed 2% of the total expenditures from state and local sources for the support of the free public elementary and secondary public education system in this state in the last preceding fiscal year, as determined or estimated when necessary, by the superintendent from records available to him and financial accounting records of public school units maintained in accordance with rules promulgated by the state department of education. For the purpose of such limitation, total expenditures shall not include the amounts expended for bus transportation and auxiliary services for public and nonpublic school students. This appropriation shall not exceed $22,000,000.00 during the 1970-71 school year beginning July 1, 1970.
(CL '48, § 388.668.)

§ 15.1919(109) Use of funds.] Sec. 59. The sum so appropriated shall be used by the department of education to purchase from eligible units educational services in secular subjects for the benefit of pupils attending eligible units.
(CL '48, § 388.669.)

§ 15.1919(110) Payment of sums; amounts for salaries.] Sec. 60. Within the limit of the appropriation under this chapter for a particular fiscal year, the superintendent shall pay to an eligible unit, in quarterly installments, a sum not to exceed in the fiscal years 1970-71 and 1971-72, 50% of the salaries of certified lay teachers within such unit teaching secular subjects and in the fiscal years thereafter 75% of such salaries. If the state board of education determines that if the total actual costs of such educational service rendered by such individual is in excess of the total actual cost of comparable educational service rendered in approximately like circumstances of geographical area and economic condition in the public schools, the state board of education shall disapprove the total

actual cost of such educational service rendered by such individual and no further payment shall be made to such individual until the state board of education makes a redetermination that the total actual cost for such educational service does not exceed the total actual cost of comparable educational service in such public schools. When a statewide budget system becomes operational, the amounts paid for such salaries shall not exceed 75% of the salary allowances adopted by the legislature for the purpose of determining such allowances for comparable professionals in local school district budgets in a particular fiscal year.
(CL '48, § 388.670.)

§ 15.1919(111) Manner of making disbursements.] Sec. 61. Prior to the first day of the quarter for which payments are due, an eligible unit shall certify to the superintendent on a form prepared by him, a list of certified lay teachers teaching secular subjects employed by such unit, the salaries and certification of each. Where the superintendent finds that a certified lay teacher is providing less than a full schedule of instruction in secular subjects, he shall allocate that part of the salary due such teacher for such instruction in secular subjects and shall prepare a voucher for payment to the eligible unit for the allocated portion of the salary of such teacher as provided in section 60. The superintendent shall prepare appropriate vouchers and the state treasurer shall pay to the eligible units the aggregate allowance for the salaries for the teachers employed by the unit.
(CL '48, § 388.671.)

§ 15.1919(112) Maintenance of accounting systems.] Sec. 62. As an express condition of continued certification, the eligible units shall maintain such accounting systems as will enable the department at all times to ascertain that the allowances by the state were in fact used to pay the certified lay teachers teaching secular subjects and not for any other purpose.
(CL '48, § 388.672.)

§ 15.1919(113) Administration of chapter.] Sec. 63. This chapter shall be administered by the department of education which shall promulgate rules to carry out the provisions of this chapter in accordance with and subject to the provisions of Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.313 of the Compiled Laws of 1948.
(CL '48, § 388.663.)

§ 15.1919(114) Listing of eligible units.] Sec. 64. Prior to the beginning of each fiscal year the superintendent shall prepare a list of eligible units. Anyone aggrieved by not having been declared an eligible unit may proceed as in a contested case within the meaning of Act No. 306 of the Public Acts of 1969 to have his status determined.
(CL '48, § 388.664.)

§ 15.1919(115) Limitation on eligibility for other programs.] Sec. 65. It is understood that certified lay teachers who receive payment under this chapter are not employees of the state and therefore are not eligible for membership in any public school employee retirement system under the provisions of Act No. 136 of the Public Acts of 1945, as amended, being sections 38.201 to 38.357 of the Compiled Laws of 1948 nor shall they be

under the provisions of Act No. 4 of the Public Acts of the Extra Session of 1937, as amended, being sections 38.71 to 38.191 of the Compiled Laws of 1948, nor subject to the provisions of Act No. 336 of the Public Acts of 1947, as amended, being sections 423.201 to 423.216 of the Compiled Laws of 1948.
(CL '48, § 388.665.)

§ 15.1919(116) Effect of partial invalidity; advisory opinion.] Sec. 66. (1) If any portion of this act or the application thereof to any person or circumstances shall be found invalid by a court, such invalidity shall not affect the remaining portions or application of this act which can be given effect without the invalid portion or application if the court so indicates.

(2) It is the intent of the legislature that an advisory opinion upon the constitutionality of chapter 2 of this amendatory act be sought pursuant to article 3, section 8, of the state constitution from the supreme court, after it has been enacted into law but before its effective date.
(CL '48, § 388.666.)

§ 15.1919(116a) Effective data. Sec. 66a. The provisions of this chapter shall take effect September 1, 1970, except that it is the intent of the legislature that no expenditures of state funds be made pursuant to the provisions of chapter 2 until the Michigan supreme court renders such advisory opinion.
(CL '48, § 388.666a.)

[24] See, for example, Paul G. Kauper, "The Constitutionality of Aid to Parochial Schools," Phi Delta Kappan, 43 (May, 1962), 331-336; Robert F. Drinan, "The Constitutionality of Public Aid to Parochial Schools," in Dallin H. Oaks, ed., The Wall Between Church and State ("Phoenix Books"; Chicago: University of Chicago Press, 1963), pp. 55-72; Robert M. Hutchins, "The Future of the Wall," ibid., pp. 17-25; Jesse H. Choper, "The Establishment Clause and Aid to Parochial Schools," California Law Review, 56 (1968), pp. 271-72.

[25] Advisory Opinion re Constitutionality of PA 1970, No. 100, 384 Mich. 82 (1970).

[26] During March and April, 1971, we interviewed the following individuals in Michigan (except for the telephone interviews identified with an asterisk [*], all interviews were conducted in person):

Ann Arbor

1. Mr. Melvin Kieschnick, Superintendent
Board of Parish Education, Michigan District
Lutheran Church--Missouri Synod

Detroit

*2. Dr. Norman Drachler, General Superintendent
Detroit Public Schools

3. Mr. Edmonson, Function unidentified
   Detroit Public Schools

4. Mrs. Dorothy Gee
   Budget Analyst, Federal Projects
   Detroit Public Schools

5. Dr. Elsie M. Jinks, Divisional Director
   Department of Evaluative Services
   Detroit Public Schools

6. Mr. Ted Mandell, Speech Correction Officer
   Detroit Public Schools

*7. Mrs. Harriet Phillips, Chairman
   Citizens to Advance Public Education

8. Mr. Milton Weiner, Director
   School Social Work Services
   Detroit Public Schools

9. Mr. Charles Wells
   Assistant Superintendent, Office of Pupil Personnel Services
   Detroit Public Schools

10. Msgr. John B. Zwers
   Superintendent of Schools
   Detroit Archdiocese

Grand Rapids

11. Mr. Henry Bornheimer, Education Editor
   Grand Rapids Press

12. Mr. Phillip Elve, Superintendent
   Grand Rapids Christian School Association

13. Mr. Bill Kamstera, Principal
   Central Christian High School

14. Mr. Don Lennon, Assistant Superintendent
   Grand Rapids Diocese

15. Mr. Bob Muth, Business Manager
   Grand Rapids Public Schools

16. Mr. Michael Ruiter, function unidentified
   Grand Rapids Christian School Association

17. Mr. Phillip Runkel, Superintendent
   Grand Rapids Public Schools

18. Msgr. Herman H. Zerfas
Superintendent of Schools
Grand Rapids Diocese

19. Mr. Ivan Zylstra, Government Programs Office
National Union of Christian Schools

Grosse Point

20. Mr. Thomas Anderson, Superintendent
Grosse Point Public Schools

21. Mr. Calvin Sandberg, Chairman
Board of Trustees
Grosse Point Public Schools

22. Mr. Don Sloan, Principal
Star of the Sea Catholic High School

Lansing

23. Mr. Tom Clay, education specialist
Budget Division, State of Michigan

24. Mr. Bob Crim, Assistant to the Speaker of the House
State of Michigan

25. Mr. John Gaffney, Education Director
Michigan Catholic Conference

26. Mr. Roger Lane, Capitol Reporter
Detroit Free Press

27. Mr. Emil Lockwood, member of Governor's staff
(formerly Senate Majority Leader)

28. Rev. William Meyers
Superintendent of Schools
Lansing Diocese

29. Dr. Pfau, Teacher Certification Officer
Michigan Department of Education

30. Mr. Allen Phillips, Capitol Reporter
Detroit News

31. Hon. Bill Ryan, Speaker of the Michigan House

32. Hon. Cliff Smart
Member of House of Representatives
State of Michigan

Lincoln Park

33. Mr. Howard Campbell, Superintendent
Lincoln Park Public Schools

34. Mr. Kenneth Palmreuter, Principal
Calvary Lutheran School

35. Mr. Carl Blood, Principal
Owosso Public High School

36. Sister Eleanor Dougherty
St. Paul High School

37. Mr. Glen Haidt, Superintendent
Owosso Public Schools

Roseville

38. Sister Amy, Principal
St. Athanasius Catholic School

39. Mrs. Margaret Bronson, Assistant Superintendent
Roseville Public Schools

40. Mr. Howard Campbell, Superintendent
Roseville Public Schools

41. Father Chojnaci, Education Officer
Sacred Heart Parish

42. Mr. Harvey Huck, Chairman
Catholic School Board

St. Joseph

*43. Sister Noreen Marie Gibbs
Lake Michigan Catholic High School

[27] The list was compiled from an examination of newspaper accounts.

[28] "County School Unit Likes Parochiaid Ban," Pontiac Press, October 14, 1970.

[29] For example, an advertisement in the Detroit News for November 1, 1970, reads, in large print: "Have you watched Parochiaid creep? Only bussing, only auxiliary services, only teacher salaries. What's Next?"

[30] Attorney General's Opinion, OAG 4715, Nov. 3, 1970.

[31] "Dilley Challenges Nonpublic Schools to Close Now," Grand Rapids Press, November 4, 1970.

[32] This issue is analyzed at length in "Minority Groups and Nonpublic Schools," Chapter V of Volume I in this series.

[33] See, for example, the report that "Detroit public school officials . . . estimated that 6,000 to 7,000 Catholic students in the city might seek enrollment in the public schools. This is about the same transfer rate as in past years, and school officials said the impact should not be severe." William Grant, "Parochial Cuts Hit Blacks Hard: Inner City Schools Halved," Detroit Free Press, April 20, 1971, p. 1.

[34] A similar unwillingness to release pertinent data was encountered during a recent study for a legislative commission in Illinois. See Erickson, Crisis, Appendix A, p. A-15. Though big-city "public" school systems have a notorious reputation among scholars for considering most data as "private" property, for internal scrutiny only, researchers generally have been loathe to say much about the tendency for publication.

CHAPTER IV

LOCAL ASSISTANCE PROGRAMS FOR NONPUBLIC SCHOOLS

CHAPTER IV

LOCAL COOPERATIVE PROGRAMS BETWEEN THE PUBLIC AND NONPUBLIC SCHOOLS*

In September of 1971, the boys and girls at Arden Public school in Warren, Michigan, will have two-hundred new classmates. These new students will come from the defunct Catholic school next door. Next fall, public school youngsters across the country like their confreres in Arden will have a chance to make many more new friends. The crisis facing nonpublic education is documented elsewhere. Suffice it to say, nonpublic education is in trouble. Chapters I, II, and III of this Volume analyze federal and state programs designed to help alleviate this crisis situation. This chapter analyzes for the Commission different types of local or community efforts to aid nonpublic education.

Local assistance to the nonpublic schools takes the form of community based cooperative programs between the public and nonpublic schools. The programs basically involve individual towns and cities across the nation working out programs that give direct and/or indirect benefits to the nonpublic schools. The history development, implementation, legality, strengths and weaknesses of the five basic models of local cooperative programs are examined in this chapter. In addition, the future of these programs and their effects on the operation of public and nonpublic schools are evaluated.

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*Co-authored by Joseph P. Ryan.

Models of Local Programs of Cooperation

The five basic models of local cooperative programs between the public and nonpublic sectors analyzed in the following pages are: (1) Dual Enrollment, (2) Leased Facilities, (3) Leased Services, (4) Shared Facilities and Shared Services, and (5) Release Time. A brief description of each of these five models is in order at this point. A more detailed discussion will follow in Part I of what follows.

Dual Enrollment

Bobby Miller studies arithmetic, science and art at John Hill Public Junior High School in Inkster, Michigan (CS:2)* and english, history and religion at St. Norbert's Catholic School. Two-hundred and sixty-five students at Flaget Catholic High School in Louisville, Kentucky (CS:10) study science in classes conducted by the Shawnee Public High School.

Dual enrollment has four basic models and several variations within these basic models. It is by far the most promising type of local cooperative program for a short-term solution to the Catholic school crisis.

Leased Facilities

In Ferdinand, Indiana (CS:17) the public school board leases thirty-two of its forty-two classrooms from the Catholic schools.

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*(CS:-) refers to the detailed case study on the particular community which is contained in Part II.

In Centerline, Michigan (cs:6), the public school corporation rents the entire building formerly used as the Catholic school.

Single classrooms, part of buildings and in some cases entire buildings are leased from the nonpublic school officials for use as public schools. Such arrangements are often the least expensive alternative for acquiring public school facilities; the rental fees generally are of immediate and direct assistance to nonpublic schools.

Leased Services

Forty-two of the seventy-seven public school teachers in the Ferdinand School system are Roman Catholic nuns. The principal of the Tenth Street Public School in Jasper, Indiana (cs:18), is a Catholic nun and twenty-one of the eighty-five elementary school teachers in the public schools of Jasper are Catholic sisters.

Religious teaching orders often provide public school officials with a pool of qualified and experienced personnel. Leasing of services is particularly helpful when a public school must absorb a large number of pupils from a Catholic school that has closed.

Shared Facilities and Shared Services

In Jasper, Indiana (cs:18), nonpublic school pupils use the public school facilities for physical education taught by a public school teacher; the public school nurse makes periodic visits to the nonpublic school.

Shared facilities and shared services programs differ from leasing programs in that no fees are involved.

Release Time

Eight miles from the Canadian border in Swanton, Vermont (cs:23), 250 students are released from public school classes for one period a day to study religion in the religious education center adjacent to the school. In Brooklyn, New York, over 50,000 students are released from the city public schools during the last class on Wednesday to take religious instruction in classes operated by their local church.

Release time, as the name implies, involves releasing public school children from the normal schedule so that they may attend religious instruction in their respective churches. It is a long standing program which also shows great promise.

In addition to these five basic models, several experimental programs in nonpublic education were also studied. The results are mixed and ungeneralizable; hence, are not formally analyzed as is the case with the programs of local cooperation. However, the experimental schools that were examined are briefly described in Appendix J-2 of Volume IV.

Methods and Procedures

In depth interviews with public and non-public school officials, civic and religious authorities, teachers, parents and pupils constitute our basic source of data. The interviews were semi-structured in order to obtain a common core of basic information on each program, while at the same time allowing the uniqueness of each program to emerge. A detailed listing of the various types of people interviewed and a copy of the interview schedule are contained in Appendix J-3.

The interviews were augmented by reports and records supplied by the interviewees as well as follow-up phone calls. Information was also analyzed from available literature describing the programs.

Sample

The programs were not selected on a random basis. They were not identified according to the geographical location of the communities, but rather were selected for the direct purpose of providing examples of the various types of extant local cooperative programs.

Because many programs have not received national attention, it was somewhat difficult to identify programs for our case studies. Consequently, the reader personally might know of an excellent local cooperative program, but must realize its omission derives from its lack of visibility. On the other hand, several successful programs have gained national prominence and are so well reviewed in the literature that they were intentionally omitted from the field work. In all, we visited 28 schools, in 21 communities across the nation.

Limitations of the Study

The major limitation of the study is the lack of generalizability. Local officials plan, establish, and operate their programs with a certain degree of informality that varies according to the subtle dynamics unique to each community. Programs are generally evaluated very informally by concerned officials discussing the program over a cup of coffee. Written descriptions, summaries or empirical evaluations of most programs are exceedingly rare. Evaluative or descriptive material when available generally is neither collated or analyzed.

Only dual enrollment programs have been empirically studied on a national scale. Unfortunately the two major studies on the topic of dual enrollment were conducted in 1964 and 1965. Given the rapid changes in nonpublic education the applicability of their findings to dual enrollment today is somewhat questionable. Despite this limitation, they are referred to in what follows.

The purpose of this study was not to update these earlier surveys which provided a general overview of all extant dual enrollment programs, but instead to provide indepth analyses of purposively selected cooperative programs representing each of the five basic models described above.

One final limitation of this study accrues from the fact that occasionally local officials were extremely reticent about providing information. Often times they have been, or are still involved in constitutional litigations and consequently were very cautious in discussing their program.

Organization of the Report

This chapter is divided into two sections. Part I presents an analysis of each of the five major types of local cooperative programs. The analysis includes a discussion of each program's history, the basic model and its common variations, legal and financial questions, advantages, disadvantages, conclusions and predictions. The examination of the basic models is followed by an evaluation of the future of these programs and their effects on the operation of both the public and nonpublic schools.

The analysis in Part I is referenced to the case studies which constitute Part II of this chapter with the notation (cs:1). Each case study in Part II gives an overview of the particular program and the community, a discussion of events leading up to the establishment of the program, describes the program in detail, draws conclusions and offers predictions. Appendices for this Chapter are continued within each case study.

I: AN ANALYSIS OF THE FIVE MODELS OF LOCAL COOPERATION

DUAL ENROLLMENT

Introduction

Thomas Jefferson opposed the establishment of a theological school at the University of Virginia. He suggested, instead, that the various religious denominations build divinity schools near the University so that students studying secular subjects there might attend these divinity schools for courses in theology.[1]

A contemporary counterpart of Jefferson's concept can be found in Michigan, where 182 children study secular subjects at John Hill Public High School and value oriented subjects at nearby St. Norbert's Catholic School (cs:2). The youngsters are divided into two groups. From 8:00 a.m. until 11:05 a.m. one group is in the parochial school and the other is in the public school. Between 11:50 a.m. and 2:30 p.m., the two groups switch schools.

This arrangement first envisioned by Jefferson, is currently known as Dual Enrollment and is the most popular and promising of all the methods of local cooperation studied. Dual Enrollment was defined by a U. S. Office of Education study in 1965 as "an arrangement whereby a child or youth regularly and concurrently attends a public school part-time and a nonpublic school part-time, pursuing part of his elementary or secondary studies under the direction and control of the public school and the remaining part under the direction and control of the nonpublic school".[2]

An earlier term used to describe such arrangements is that of Shared Time. The term was coined in 1961 by Dr. Harry L. Stearns, Director of Educational Programs, United Presbyterian Church,[3, 4] Although "Shared Time" and "Dual Enrollment" are synonymous, the latter term is preferred because "Shared Time" is often confused with "Shared Facilities" and "Release Time."[5] Shared Time, however, is perhaps the more commonly used term, but in this report precision will preempt popularity and the term "Dual Enrollment" will be used.

By definition, Dual Enrollment involves public and nonpublic schools. Functionally, it involves for the most part a relationship between public schools and Catholic schools. Not only because 85 percent of the nonpublic school pupils in the United States are in Catholic schools but also because most of the programs identified involved only Catholic school children.

History and Development of Dual Enrollment

Nonpublic school students have been attending public schools for one or more subjects for many years without the practice being formally labeled dual enrollment.[6,7] The city of Pittsburgh has operated a program since 1913.[8] Programs in Hartford, Connecticut; Menominee, Michigan; and Madison, Wisconsin have been operating for more than forty years.[9] For more than thirty-five years a program has operated in Evansville, Illinois.[10]

The National Education Association reports that at least 183 school systems operate Dual Enrollment programs.[11] Among the 156 schools that reported "Years of Operation of Shared Time," the median age of the programs was ten years. In 33 school systems the dual enrollment program had been in operation for one or two years; in 31 school systems the programs had been in operation for more than 20 years. The breakdown of numbers and percentage of schools by years of operation is shown in Table 1.

TABLE 1

YEARS OF OPERATION OF SHARED TIME PROGRAMS (1964)[12]

Years in OPeration	Number of school systems	Percent
1 to 2	33	21.2
3 to 4	11	7.1
5 to 6	12	7.7
7 to 8	14	9.0
9 to 10	21	13.5
11 to 12	9	5.8
13 to 14	1	0.6
15 to 16	6	3.8
17 to 18	5	3.2
19 to 20	13	8.3
21 to 30	24	15.4
31 to 40	6	3.8
More than 40	1	0.6
Total reporting	156	100.0
Median age of program	10 years	
Average age of program	12.3 years	

Dual Enrollment Programs became increasingly popular in the last half of the 1950's. In 1956 Erwin Shaver in The Weekday Church School reports "the growing practice in many communities throughout America of having children, whose primary enrollment is in a parochial school take some of their courses in the public school."[13]

Educational, political and religious leaders provided a major thrust of dual enrollment during the early years of the sixties. "On November 22, 1960, about 40 Protestant and Catholic officials met at Hotel Woodner in Washington, D. C., to discuss the practice of religious exercises in public schools and federal aid to parochial schools."[14] It was at this meeting that Stearns coined the term, "Shared Time."[15] Dual enrollment was further elaborated on at a meeting held at the Interchurch Center in New York on October 11, 1961. The participants unanimously agreed that the idea merited serious experimentation.[16] Another milestone in the early sixties was the January-February 1962 issue of Religious Education which published the generally favorable results of a symposium on dual enrollment.[17]

In November, 1962, the National Council of the Churches of Christ brought its committees on Religion and Public Education and on Weekday Religious Education to New York to discuss dual enrollment. Further, in February of 1963, this National Council of Churches established a new department for Church and Public School Relations to study dual enrollment possibilities.[18]

In the political arena, Adam Clayton Powell, Chairman of the House Committee on Education and Labor introduced a bill on May 6, 1963 that would have provided $5,000,000 in federal aid for dual enrollment programs. Hearings on this bill, H.R. 6074, amending the National Defense Education Act of 1958, provided a comprehensive analysis of dual enrollment.[19] On February 28, 1964, during the hearings for HR 6074, the NEA Research Division presented the findings of its study on Shared Time. This report, Shared Time Programs: An Exploratory Study[20] became the first comprehensive empirical study of dual enrollment programs. Despite the favorable analyses of dual enrollment, that aspect of HR 6074 appropriating funds for dual enrollment was not enacted.

A second study on the topic was published in 1965 by the Office of Education, Dual Enrollment in Public and Nonpublic Schools.[21] This report, along with the NEA study remains the only two sources of comprehensive empirical data on dual enrollment. This present investigation is an indepth case study of selected successful programs rather than an exhaustive survey of extant programs. In our field investigations it became clear that the NEA and OE studies have contributed greatly to the growth of dual enrollment. School officials operating successful dual enrollment programs that we interviewed continually refer to these documents as the source not only of information but also of inspiration for their programs.

Extent of Dual Enrollment

The NEA research division reported that in 1964 at least 183 communities in 25 states, pupils from nonpublic schools take instruction in one or more subjects in public schools during the regular school day. A postcard survey screening all school systems with 300 or more pupils was answered by 7,410 superintendents. Two-hundred and eighty reported dual enrollment programs but only 183 gave details of the arrangements.[22]

The distribution by State of the initial 280 school systems reporting shared time programs is shown in Table 2.[23] The distribution by state of school systems providing details of their programs is given in Table 3.[24]

In an informal and unpublished 1970 survey of Catholic dioceses, the Catholic superintendent of Manchester, New Hampshire, Msgr. George Murray, reports that 47 dioceses in 33 states operate dual enrollment programs (Appendix J:4).

Patterns of Dual Enrollment

Dual enrollment has four basic variants: limited dual enrollment, partnership dual enrollment, dual enrollment for religion only, and dual enrollment in reverse. We shall describe each of these variations in turn, illustrating the basic concept in each with an example drawn from the case studies in Part II. Many dual enrollment programs incorporate several features from different

Table 2 - Number of Public School Systems Reporting Shared Time Programs (NEA 1964)

State	Number of School Systems		
	Reported Program	Contemplating Program	Total
1	2	3	4
Alabama	0	2	2
Alaska	0	0	0
Arizona	1	0	1
Arkansas	4	1	5
California	3	6	9
Colorado	2	3	5
Connecticut	3	0	3
Delaware	0	0	0
Florida	1	1	2
Georgia	1	2	3
Hawaii	0	0	0
Idaho	0	1	1
Illinois	27	8	35
Indiana	11	2	13
Iowa	9	3	12
Kansas	9	0	9
Kentucky	5	2	7
Louisiana	2	0	2
Maine	0	1	1
Maryland	0	0	0
Massachusetts	2	2	4
Michigan	42	16	58
Minnesota	13	5	18
Mississippi	4	1	5
Missouri	10	1	11
Montana	4	0	4
Nebraska	4	1	5
Nevada	0	0	0
New Hampshire	0	1	1
New Jersey	3	2	5
New Mexico	0	0	0
New York	2	7	9
North Carolina	0	0	0
North Dakota	3	2	5
Ohio	36	8	44
Oklahoma	5	4	9
Oregon	2	2	4
Pennsylvania	31	6	37
Rhode Island	0	0	0

Table 2 - (continued)

State	Number of School Systems Reported Program	 Contemplating Program	 Total
1	2	3	4
South Carolina	0	0	0
South Dakota	2	1	3
Tennessee	1	1	2
Texas	3	5	8
Utah	0	0	0
Vermont	3	1	4
Virginia	0	1	1
Washington	3	1	4
West Virgina	3	1	4
Wisconsin	25	10	35
Wyoming	1	0	1
	280	111	391

Table 3 - Distribution by State of 183 Systems Reporting on Details of A Shared-Time Program (NEA, 1964)

State	Number of Systems
1	2
Colorado	1
Connecticut	2
Illinois	17
Indiana	6
Iowa	4
Kansas	6
Kentucky	2
Massachusetts	2
Michigan	38
Mississippi	1
Missouri	6
Minnesota	11
Montana	4
Nebraska	3
North Dakota	3
New Jersey	1
Oregon	1
Ohio	19
Pennsylvania	28
South Dakota	1
Texas	1
Utah	1
Vermont	1
West Virginia	3
Wisconsin	21

patterns. The classification which follows is for ease of discussion rather than an absolute, or hard and fast differentiation between particular programs.

1. Limited Dual Enrollment

In limited dual enrollment, pupils are enrolled in one or two courses offered by the public school system. This scheme characteristically involves 90-300 minutes per week of public school instruction and is the oldest pattern of dual enrollment.[25]

For example, we found that in Centerline, Michigan (cs:6), 70 students from St. Clement's High School enrolled in shop courses at the Centerline Public High School; in Louisville, Kentucky (cs:10), students at Flaget Catholic High School are enrolled in public school science courses; just outside of Louisville, seventh and eighth grade students in St. Lawrence and St. Dennis Schools take public school mathematics and science instruction (cs:9); Catholic students in nearby Bethlehem Academy take Business Education in the Bardstown Public High School (cs:9).

2. Partnership Dual Enrollment

In Rockwood, Michigan (cs:14), 340 students spend half their day in St. Mary's School and the other half in the Gibraltar Public School. In Warren, Michigan (cs:7) 260 students divide their time equally between St. Ann's School and the Warren Consolidated School; in addition, in Warren 550 students spend one-half their school day in St. Mark's School and the other half in a public school which is part of the Fitzgerald School Corporation (cs:7).

This type of arrangement is called a partnership, a 50/50 or a half-day dual enrollment program. Typically, this arrangement involves public school children in 700 - 900 minutes of public school instruction per week.[26]

3. Dual Enrollment for Religion Only

In Gainesville, Georgia (cs:5), pupils leave the public high school building to attend a daily class in Christian Education. The course is taught in the interdenominationally owned Christian Education Center located on private property about 400 yards from the public high school and less than one-half a mile from the public junior high.

This arrangement is called dual enrollment for religion or ecumenical elective dual enrollment. The program differs from the typical release time programs in that students receive full public school credit for the Christian Education courses. The program is the mirror image of Pattern 1 in that the student's "principal" school is the public institution, the nonpublic facility is the receiving school.

4. Dual Enrollment in Reverse

This pattern of dual enrollment involves two types of cooperation between public and nonpublic schools. In the first variant, which the NEA study reports is "exceedingly rare",[27] the student's principal school is the public facility and the receiving school is nonpublic. Unlike pattern 3, the exchange is not limited to religious instruction but instead the nonpublic school provides instruction in secular subjects. In 1964, in Wabasso, Minnesota; Bird Island, Minnesota; and O'Neil, Nebraska, public school students attended parochial schools for instruction in secular subjects.[28]

Today Wabasso no longer has a dual enrollment program in reverse, however, 75 parochial school students are enrolled in public schools for home economics, industrial arts, driver education, art and typing.

This year the Bird Island High School sends 15 students to St. Mary's High for their art class. St. Mary's, in turn, sends approximately 90 students to Bird Island High for agriculture, science, language, and home economics.

In O'Neil, Nebraska the public schools sent 12 youngsters to the Catholic high school for language instruction. In turn, Catholic school students enrolled in O'Neil High for vocational education, auto repair, art, home economics and band.[29]

Since only two of these programs were still in operation and since they involve only a handful of children, case studies were not undertaken.

The second variant of dual enrollment in reverse involves both limited and partnership dual enrollment with a leased facility arrangement. Dual enrollment in nonpublic facilities leased by the public sector is often called dual enrollment in reverse since instead of the Catholic youngsters going to the public school, the public schools (in the form of a leasing arrangement) comes to the Catholic youngsters. While this cooperative effort does involve the leasing of nonpublic facilities, the more important aspect is the dual enrollment. Hence, this program is discussed here rather than in the section on leasing which treats programs involving only leasing arrangements.

As an example of this variant, in Marlboro, Massachusetts (cs:8), the public school rents the bottom floor of St. Ann's Elementary School. All religious symbols have been removed from the classroom and all the courses on the first floor are taught by public school teachers. The public school is both legally and educationally the sole party responsible for courses in speech, math, science, social studies, art and music. The Catholic school teachers located on the second floor teach phonics, reading, English, penmanship and religion. The Catholic school youngsters located on the second floor of St. Ann's are dually enrolled in the public school on an equal partnership basis under this arrangement.

The limited dual enrollment program in Flaget High School (cs:10), mentioned earlier, is conducted within the Catholic school building in classrooms leased by the Louisville Board of Education. In this sense, therefore, it can be considered a dual enrollment program in reverse.

Dual enrollment in reverse with a leasing feature is quickly becoming the most popular pattern of dual enrollment. This popularity is due to the fact that as enrollment in Catholic schools continues to decrease classrooms become available for leasing.

Collecting rental fees for these rooms is more profitable than leaving them vacant. Furthermore, a reverse dual enrollment program often allows the Catholic school to decrease the number of lay people on their faculty as courses are taken over by public school teachers in the leased rooms. This of course saves the parish that supports the school additional funds.

Dual enrollment in reverse can also be combined with leased services and leased facilities. In Warren, Michigan (cs:15), the Fitzgerald School Corporation leases eight classrooms in St. Mark's School. Five hundred pupils are enrolled in both the Catholic and public schools. The public sector employs four nuns to teach public school courses, and pays part of the Catholic school principal's salary in return for her coordinating the dual enrollment program. Similarly, in St. Mary's, Rockwood, Michigan (cs:14), the Gibson School Corporation rents 14 rooms, dually enrolls 340 students, hires three nuns, and pays one-third of the Catholic principal's salary for coordinating the program.

Subjects Provided in Dual Enrollment Programs

The NEA survey found that in 1964 industrial arts, vocational education and home economics are the subjects most frequently provided nonpublic school students in dual enrollment programs.[30] The percentage of school systems providing various subjects to nonpublic school students is shown in Table 4.

TABLE 4

SUBJECTS MOST FREQUENTLY PROVIDED TO NONPUBLIC SECONDARY SCHOOL PUPILS, BY ENROLLMENT AND BY PERCENT OF SCHOOL SYSTEMS (NEA, 1964)[31]

Subject	Total Enrollment in Subject	Percent of School Systems Providing Subjects to Non-public School Pupils (Percents)
Industrial arts and vocational education	7,851	72.6
Home economics	6,563	57.0
Instrumental music	1,304	23.5
Physical education	1,104	10.1
Physics	227	11.2
Chemistry	188	8.4
Driver training	836	8.4
Foreign languages	153	5.6
General science	341	5.1
Advanced mathematics	170	7.3

Although the percentages have probably changed since the NEA survey was conducted, based on our field work we feel that the rank order of the various subjects offered would probably be very similar today. The subjects most generally offered in our case studies required expensive equipment and supplies, special facilities, and are generally taught in small groups. Although in some instances, (e.g. Marlboro, Massachusetts; Rockwood, Michigan), the public sector does provide instruction in ordinary subject areas such as English and even social studies.

Finances

Dual enrollment programs generally have as one of their goals saving money for both the public and nonpublic sectors. The scenario usually involves a Catholic school facing a financial crisis in a community where a public school could not afford to assimilate all the parochial school youngsters. In such instances it is far less expensive for a public school system to support a dual enrollment program than to sit back and allow the entire Catholic school population to transfer to the public schools. Such a program makes good economic sense from the public point of view.

Likewise, the Catholic school can save monies it would have to spend on the salaries of several teachers, expensive equipment and supplies. In dual enrollment in reverse, the Catholic school can collect rent for rooms which otherwise might not be used. Finally, with dual enrollment in reverse that involves leased services as well as facilities, the Catholic school saves teachers' salaries, expenses for funds and equipment, collects rent and salaries. With the money saved by eliminating lay staff, added to the money earned in rent and salaries, the Catholic school is generally afforded a new lease on life.

Public school expenses in dual enrollment programs vary according to the courses offered, the number of pupils enrolled, and salary level of teachers. Shop courses or science courses can involve expensive equipment and special facilities.

Murray found that nineteen states have provisions for reimbursing local school boards for dually enrolled students.[32] In many of these states the local board receives a pro-rated amount of state aid based on the part-time daily attendance of dually enrolled students. For example, in Louisville, Kentucky (cs:10) the state pays $1.85 per day to the local board for each public school student in full attendance. Two-hundred and sixty-five students are in a dual enrollment science class in Flaget for one period a day out of a school day of six periods. For each dually enrolled student therefore, the Louisville Board of Education receives $1.85 times one-sixth or $0.32 per day per student in attendance. Since there are 175 days in the public school year, the board receives: $1.85 times 1/6 times 265 times 175 which amounts to $14,376.35 per year (excluding pupil absences).

The case of the Gibson School Corporation is another interesting case of how state reimbursement formulas work to the benefit of towns considering dual enrollment programs (cs:11). The Catholic school officials approached the Gibson School Corporation in Southern Indiana with a proposal for a dual enrollment program.

Among the major arguments put forth were:

1. The parishes can no longer continue their schools as in the past.
2. If the Catholic school closes, it will cost the town approximately $309,582 to accommodate the 637 new pupils.
3. If the town agrees to a reverse dual enrollment program the Catholic schools will remain open.
4. The city can operate a dual enrollment program in reverse for approximately $62,000 a year including both rent and salaries. The estimated state reimbursement from such a program would amount to $61,461.04. The net cost to the town would be in the neighborhood of $600.

In less than six months, the program was in operation. In one Detroit suburb (cs:15), the public school operates a reverse dual enrollment program including leased services. It is reimbursed $40,000 in excess of expenditures on the program. This is because of two factors: first, the number of students enrolled and second, the number of young teachers on the staff. The student body is large enough to qualify for a sizable amount of state aid, while the teaching staff is young enough so most are still at a low salary level. Of course, as the salary level increases, the ratio of expenditures by the local system to state reimbursement will decrease.

A recent trend in dual enrollment in reverse is a contractual agreement which stipulates that the public school will not spend more on the dual enrollment program than it receives in state aid. If there is a deficit, the nonpublic school must make up the difference (e.g. cs:14).

Although some public schools can come out ahead on some dual enrollment programs, or have a guarantee to at least break even, most dual enrollment programs do cost the public schools money. This is particularly true in states that do not have pro-rated reimbursement for part-time students but is not limited to these situations. For example, in Pittsburgh, Pennsylvania, in 1965, 8,000 dual enrolled students cost the city school board $220,000 after state reimbursement.[33] However when the public school system does spend funds on dual enrollment programs it is still considerably cheaper than having to absorb all the Catholic school children if the Catholic schools were forced to close.

Program Approval and Legality

Dual enrollment programs must be approved by the appropriate local and state educational officials. The legality of the program must also be judged by the appropriate legal office. Since the U. S. Supreme Court has never ruled on a dual enrollment case, the legality of a program depends on the particulars of the arrangement in relation to the constitution of the state in which it will operate.

A typical approval process is begun by a Catholic school principal or superintendent approaching his public school counterpart with an idea for a dual enrollment program. If the public school official is receptive to the idea, the two schoolmen will plan a program and present it to the school board. Our field interviews make clear the fact that the support of the public school principal or superintendent in presenting a proposal to a board is very critical. With administrative support the school board will generally "rubber stamp" the plan; without such support there is little chance of approval despite the interest of other community leaders.

From the local board the plan goes to the state superintendent of public instruction. He and his legal advisors determine if the plan is acceptable under school law or earlier precedent. If the statutes are not clear or no precedents exist, the superintendent will submit the plan to the State Board of Education.

Approval by state educational officials can be followed by a ruling by the State Attorney General. This opinion is usually requested by the state superintendent and in most cases is the final approval. In some states, the city solicitor offers a legal opinion before the judgment of the Attorney General is sought.

Beyond the State Attorney General, the legality of a program can be adjudicated in the courts. Court action can be initiated at any point during the development of a dual enrollment program by citizens opposed to the plan and can eventually lead to the State Supreme Court.

A diagram of the general route of approval is shown in Figure 1.

Figure 1

Typical Approval Route for Dual Enrollment Programs

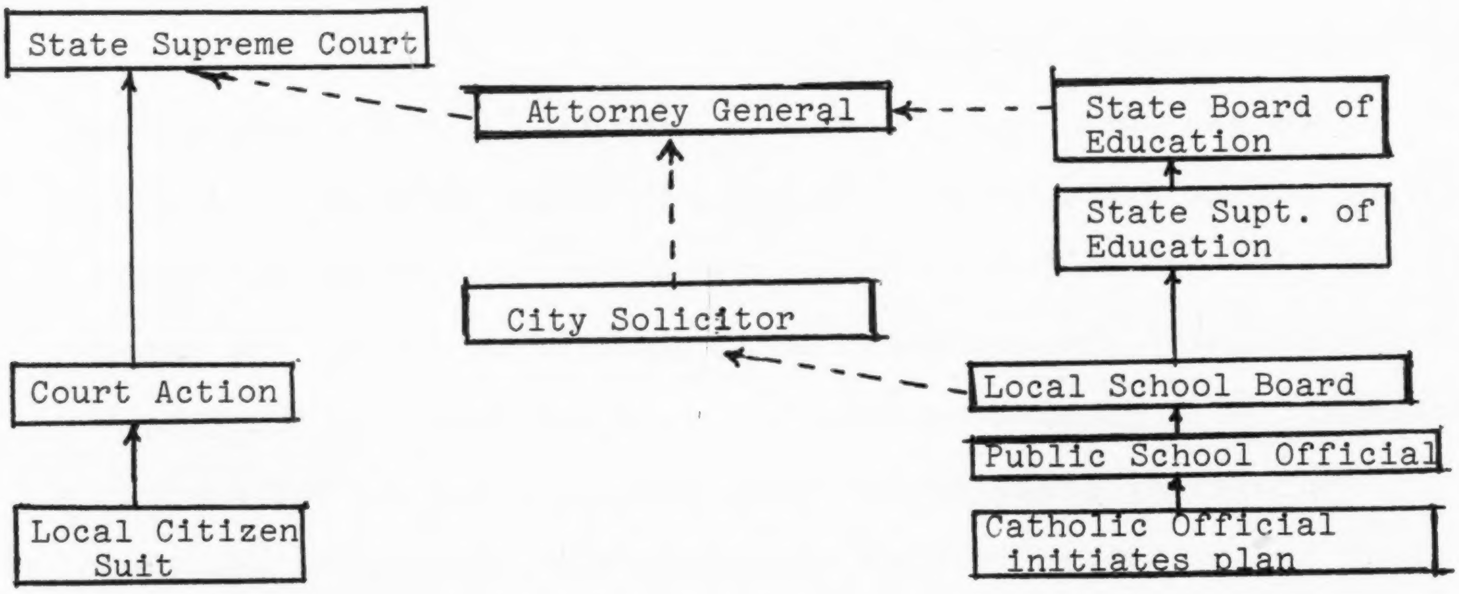
State Supreme Court
Attorney General
State Board of Education
State Supt. of Education
City Solicitor
Court Action
Local School Board
Public School Official
Local Citizen Suit
Catholic Official initiates plan

Figure 1 describes the typical route that a dual enrollment program can travel in achieving complete approval. In practice, program approval can take many twists and turns. For example, in Boonsville, Indiana (cs:13),the local school board denied a Catholic school's request for a reverse dual enrollment program. This ended discussion of the program and the Catholic pastors promptly announced the closing of his school (cs:13). In Fall River, Massachusetts, the city solicitor ruled a dual enrollment program illegal and the case was appealed to the State Attorney General. He refused to offer an opinion and a new program is being drawn up.[34] The state superintendent's office in Kentucky announced that several proposed programs would have to be disallowed. The plans were sent to the Attorney General's Office who declared that they were legal (cs:9). Two recent State Supreme Court opinions ruled dual enrollment programs illegal in Montana, while the Michigan Supreme Court in April declared dual enrollment legal.[35] In the final analysis then, approval of a dual enrollment program depends on the particulars of the plan and the particulars of the state constitution.

The Constitutional Question

The separation of Church and State is the basic constitutional question confronting dual enrollment programs. Those who argue the constitutionality of dual enrollment generally do so under the child benefit theory. Opponents call it unconstitutional, an establishment of religion, prohibited by the First Amendment.[36] They argue that when a sectarian school is relieved of financial burdens for high cost subjects, facilities and services, it has in fact been directly aided.[37], [38], [39].

Leo Pfeffer, Legal Counsel for the American Jewish Council, a staunch enemy of aid to nonpublic schools, nonetheless reflects very well the position of supporters of dual enrollment when he wrote that, "the Supreme Court ruled that a state could not forbid children from obtaining their entire secular education in parochial schools. [Pierce et al., v. the Society of Sisters, 1925]. In view of this decision, I cannot see how an arrangement whereby children receive only half their secular education in parochial schools could be held unconstitutional. Moreover, in Zorach v. Clauson (1952), the Court ruled that it is constitutionally permissible to release children from public school for part of the school day in order that they may receive religious instruction in church schools. It would, therefore, seem doubly clear that releasing children for secular instruction would not violate the Constitution."[40]

Proponents of dual enrollment argue on the basis of child benefit theory also. The child benefit theory was set forth by the U. S. Supreme Court when it held that it was constitutional for the state to provide transportation for children going to either parochial or public schools in the 1947 New Jersey school bus case of Everson v. Board of Education.[41] In 1968 the Court supported this theory when it upheld a New York Program to provide textbooks to private school pupils (Board of Education v. Allen).[42]

As we mentioned at the outset, the Supreme Court has not made a decision on the constitutional questions involving the dangers of an establishment of religion balanced against the child's right to a part-time public education. The emerging principle seems to be that a citizen haa a right to any of the parts of a whole to which he has a right. That is, a student who has a right to a full-time public school education has a right to a part thereof as well. The fact that he (or his parents) choose a partially private education does not impair his right to have the remainder of his education provided at public expense.

Ancillary Legal Issue

We found that three ancillary legal issues related to dual enrollment have required adjudication within each state. First, can public school boards rent parochial school facilities for use as public schools. Second, can members of religious orders be employed as public school teachers. Third, can local school boards receive pro-rated state aid for daily enrolled students. When it can be shown that the leased facilities are exclusively under the control of the public school board and that the public school teachers from religious orders are exclusively responsible to the public school principal, these practices were declared legal (cs:10).

The fourth question, pro-rated state aid, is decided on the criteria of state education policy and the state constitution. As cited earlier, 19 states have provisions for state aid to school systems operating dual enrollment programs (Appendix J-4).

Analysis of Dual Enrollment

What makes a dual enrollment program successful? Five basic factors seem to contribute to the successful establishment and operation of dual enrollment programs. These are:

1. The relationship between public and parochial school officials
2. The religious characteristics of the community.
3. The legal rulings of the state with respect to pro-rated aid to school systems operating dual enrollment programs.
4. The space needs of the public school.
5. The magnitude of the Catholic school crisis and the size of the parochial school enrollment.

We shall consider each of these in turn.

Relationship Between Public and Nonpublic Officials

We found that the relationship between the public school officials and Catholic school officials seems to be the single most significant factor determining the success or failure of a dual enrollment program. Behind the most successful program was a public school official with a strong personal interest in the program. In Louisville, it was the superintendent (cs:10), in Chicago the assistant principal (cs:1), in Michigan City the school lawyer (cs:4). In successful programs, the relationship between public and nonpublic principals was almost always friendly.

No dual enrollment plan, however brilliant, can succeed without one or two well placed supporters in the administrative echelons of the public school system.

Religious Character of the Community

Dual enrollment programs were more easily established in communities whose population is predominately Catholic. In Boonsville, Indiana (cs:13), for example, approximately nine percent of the population is Catholic. The school board has turned down a request for a dual enrollment program. Similarly, in Bird Eye, Indiana (cs:17), a Protestant community, some thirty residents have filed suit against the school board to prevent any expansion of the dual enrollment programs.

The Legality of Pro-Rated State Aid

This is a major concern among public school officials considering plans for dual enrollment. If the proposed program will cost them little or no money, and the relationship with Catholic officials is friendly, and further, the community is predominately Catholic, dual enrollment plans generally have been accepted.

Space Needs of Public Schools

School officials throughout the country report decreasing enrollments in grades one through four. In Haubstaudt and Fort Branch, Indiana (cs:11), public school officials predict that this trend will soon enable them to assimilate the entire parochial school population into their present facilities. At this point, the public schools will have little reason to continue a dual enrollment program.

Similarly, in turning down a request for a dual enrollment plan, members of the Warwick School Board pointed out that they could absorb the entire Catholic school population without expanding their facilities (cs:13).

When the closing of the Catholic school(s) would result in serious overcrowding of public school facilities, public school officials are likely to accept plans for dual enrollment. On the other hand, in communities where an influx of Catholic students would not require expensive expansion of public school facilities, public school officials are less likely to enter into a dual enrollment program.

Catholic Crisis and Enrollment

When the demise of a large Catholic school or school system seems imminent, public school officials are more likely to accept a dual enrollment program. Many Catholic school officials capitalize on this dynamic by announcing that their schools are in serious financial trouble and cannot continue to operate given their present resources (cs:11).

In summary, public school officials enter into dual enrollment programs when they have a vested interest. The vested interest can be personal - they are friendly with the Catholic school officials; it can be religious - the public school is located in a Catholic community; the interest can be financial - the public school can receive state aid and does not have to assimilate Catholic school students into their facilities.

In cases where public school officials have only one or two of these vested interests, they may or may not enter into a dual enrollment program. However it is clear from our interviews that when they do not have any of these interests, they most likely will not even consider a dual enrollment.

Formal Agreement

The details of dual enrollment programs are seldom written down. Only in cases of dual enrollment in reverse is a contract generally employed. The terms of such leases seldom explicate educational policy. They generally deal with the rental fee, amount of space, hours when the lease is in effect, and arrangements for utilities. Recently, these leases have included the "break-even clause" described in the previous section on Finances.

The only statement on educational policy contractually agreed upon usually states that while the lease is in effect, the facility is under the complete and exclusive control of the public school. This "non-interference" clause is more a legal safeguard than a functional guideline. Nonpublic school officials are often informally involved in the public school operation in a leased facility.

This informal involvement is rather common in programs of reverse dual enrollment with leased services. Such involvement is sometimes necessary because the nearest public school official could be blocks or miles away from the leased classrooms. For example, in Flaget Catholic High School, Louisville, Kentucky (cs:10), public school teachers sometimes ask the Catholic principal to take care of unruly students who act up in dual enrollment science classes. The public school principal at Shawnee High School is more than a mile away. He invites and appreciates this assistance.

Administrative Policies

After a dual enrollment proposal is approved and the lease has been signed, the public and parochial school principals must make the program work. The major task facing these schoolmen involves the working out of administrative policies. The areas in which policies must be established include the following:

Graduation -

Students in dual enrollment programs generally graduate from the school in which they take the largest portion of their instruction. In partnership programs where students spend equal amounts of time in both schools, the student usually graduates from the Catholic school. There are however some exceptions to this general rule (e.g.,cs:1).

Grades -

The courses students take in dual enrollment programs are credited and certified by the public school board. Students receive a public school grade for their work and generally receive a separate report card from the public school. The grade is later transferred to the student's permanent record kept in the Catholic school office (e.g.,cs:10).

Attendance -

Public school teachers in dual enrollment programs take attendance each period so that the school board can be reimbursed through the state formula for average daily attendance.

In limited dual enrollment programs, public school attendance records are rarely sent to the parochial school. In partnership programs, especially reverse dual enrollment, morning and afternoon attendance records are generally cross referenced between the two schools (e.g.,cs:6).

Discipline and Academic Problems -

Discipline problems or academic problems are generally handled by the public classroom teacher. If the teacher needs assistance, he generally turns to the public school principal.

In some cases, especially in reverse dual enrollment where the public school principal is in a different building, a teacher will often seek advise from the Catholic school principal. This person works with the students and the teachers on a day-to-day basis and is often in a better position to help than his public school counterpart. The relationship between the two principals determines the extent to which a public school teacher can turn to the parochial school principal for assistance (e.g.,cs:10).

School Calendars and Schedules -

Early dual enrollment programs ran into difficulties because of religious holy days and because the opening and closing vacations of the two schools often did not coincide. Further, the class schedules often were not compatible.

Recently these problems have been largely overcome because of the willingness of the Catholic school offices to adopt the public school calendar and schedule (e.g.,cs:15).

Non-District Students -

Very often the public and Catholic schools involved in dual enrollment programs draw children from different geographic districts. If the program is receiving pro-rated state aid, this is a serious problem because some states will not pay the school board for students who live outside the school boundaries. Furthermore, many parents oppose the enrollment of nondistrict students because the student's parents have not contributed to the support of the school (e.g., cs:2).

The problem of non-contiguous school boundaries is handled in one of three ways:

1. The child's home district pays a "tuition" fee to the district in which the child attends school (e.g. cs:2)
2. If the Catholic school collects tuition from the students, the school district will sometimes charge the Catholic school a pro-rated tuition fee (cs:10)
3. Students in this situation are excluded entirely.

Parents -

Parents whose children participate in dual enrollment programs are involved in the parent-teacher groups of both schools (e.g. cs:10). On specific problems they contact the particular teacher in question and beyond this, the principal to whom the teacher is responsible.

Staff -

Teachers in dual enrollment classes are legally and educationally responsible to the public school principal (e.g., cs:14). In dual enrollment with leased facilities teachers are responsible to the principal of the nearest public school (cs:10). They are usually required to attend staff meetings at the public school and are generally invited to attend staff meetings of the nonpublic schools. They are not obliged to attend parochial school staff meetings or parent meetings, although they often do. They are hired, promoted, supervised and paid by the local board of education and must teach the public school curriculum (e.g., cs:9).

Despite their legal separation, many dual enrollment teachers become a functional part of the nonpublic school. This is particularly true in reverse dual enrollment programs.

Daily Operation -

In the successful dual enrollment programs that we visited, administrative difficulties are almost always resolved in an informal manner. Daily operating procedures are seldom written down. they are discussed and explicated only as the need arises.

The ease with which administrative matters are handled is directly related to the type of relationship that exists between the public and nonpublic school officials. When problems come up during the year, the relationship between the two principals determines whether they will be adjudicated at a formal meeting of the school committee, or worked out over a cup of coffee (e.g., cs cs:11). The overwhelming impression we received suggests that the more successful approach is the "over a copy of coffee" method (e.g., cs:6).

ADVANTAGES AND DISADVANTAGES OF DUAL ENROLLMENT

Dual enrollment programs have many pro's and con's. Listed here are the major advantages and disadvantages as cited in the literature and as evidenced in the case studies.[43] The listing is followed by an analysis.

Advantages to the Pupil

*Dual enrollment provides both public and nonpublic school students with an opportunity to meet and better understand diverse opinions in the community.

*Dual enrollment provides parochial school students a broader, more comprehensive program, by providing courses not otherwise available to them.

*Dual enrollment offers nonpublic school students an opportunity to spend part of their day in a pluralistic setting.

*For parochial school children who will eventually attend public junior high or high school, dual enrollment acts as a mechanism of transition, an orientation to the public school.

*Dual enrollment allows for a more heterogeneous student body in the nonpublic school.

*Dual enrollment provides the best of sectarian education coupled with the benefit of bringing children of different faiths together.

Advantages to the Parent

*Dual enrollment tends to preserve the parental prerogative of choice in education by maintaining nonpublic education in the community.

*It acts as an orientation for parents whose children will eventually attend public schools.

*Dual enrollment gives parochial school parents a direct return on their tax money.

Advantages to the Public and Nonpublic Schools

*Dual enrollment reduces the mounting financial burden that nonpublic education is finding more and more difficult to meet.

*It saves the public school money that would be needed to assimilate Catholic school students if their school closed.

*Dual enrollment gives parochial school parents in the community a vested interest in public education.

*Dual enrollment improves the relationship between public and nonpublic schools.

Advantages to the Community

*Dual enrollment improves the understanding of public finances, especially among Roman Catholic taxpayers who otherwise would not receive direct services from the public schools.

*Dual enrollment provides needed public services to a much broader segment of community tax payers.

*Dual enrollment reinforces community cooperation and establishes a basis for improved unity by lessening the "our school," "your school" dichotomy in the community.

*Dual enrollment provides an opportunity for much broader support of public education.

Disadvantages to the Student

*Dual enrollment tends to confuse students by fractionalizing the curriculum.[44]

*Dual enrollment often results in the students having divided loyalties.[45]

*Dual enrollment pupils often cannot participate in extra curricula activities.[46]

*In dual enrollment programs where the schools are not adjacent, students waste time moving between schools. In bad weather distance is a further inconvenience.

Disadvantages to the Public and Nonpublic Schools

*The administration of a dual enrollment program can become a burden for public school officials.

*Dual enrollment programs can be expensive and usurp funds that could be spent on improving public education.

*Dual enrollment fragments the public school system.

*The fractionalizing of courses between public and nonpublic schools in dual enrollment implies a false dichotomy in educational content.

*If pushed to extremes, dual enrollment can turn the public school into a technical, vocational institute.

*Dual enrollment can lead to the abandonment of attempts to introduce humanistic, value oriented courses into the public school

*Dual enrollment can adversely affect the public school student-teacher ratio and can lead to overcrowding in public school classrooms.

*Dual enrollment blurs lines separating public and nonpublic education. This can further blur the "unique" dimension.

*Dual enrollment prevents parochial school youngsters from becoming totally immersed in sectarian education.

*It lessens parochial school unity.

*Dual enrollment can falsely convince Catholic parents and school officials that they have found a solution to the problems confronting their school.

CONCLUSIONS

Dual enrollment programs are clearly effective in helping to maintain nonpublic education at a minimum expense to the taxpayers in a community. The section on finances discusses this dynamic.

Dual enrollment programs also seem to be effective in broadening the base of support for public education and in unifying the community. In Swanton, Vermont (cs:23),a proposed dual enrollment plan is said to have figured significantly in the passage of a bond issue in the predominantly Catholic community. Prior to the discussion of dual enrollment the bond issue had been turned down by the voters six times. The superintendent of the Cherry Hill School district in Michigan (cs:2), also reports that the establishment of a dual enrollment program figured significantly in the passage of a bond issue in that community.

In stating that dual enrollment leads to better cooperation and improved relationships between public and nonpublic school officials, a question of cause and effect can be raised. Close examination of the case studies suggests that dual enrollment is a result of existing amicable relationships which develop further because of the dual enrollment program. In other words, friendly relationships lead to dual enrollment programs which in turn lead to increasingly friendly relationships.

The administrative difficulties resulting from dual enrollment programs are easily overcome when a friendly relationship exists between public and parochial school officials. When these officials are at odds, administrative problems can retard the growth of a program.

Dual enrollment does lead to fractionalization of the curriculum. The effects of this fractionalizing on the schools and on the students is unclear. No empirical data has been collected on the effects of this fragmentizing and basic research is needed before the effects can be evaluated.

Dual enrollment is often given too much credit toward solving the Catholic school crisis. While dual enrollment certainly does help the Catholic schools, it is certainly not a final solution to their problems. Many Catholic officials do not seem to realize this. They speak of their program as "unique," "having immense potential," "the solution"(cs:16). This type of attitude can lead to a subtle but serious disadvantage in that many parochial school officials do not seek alternative solutions and directions for their school programs because they feel dual enrollment is a final solution. No such enthusiasm is warranted. St. Mark's (cs:15), and St. Norbert's (cs:2) have participated in successful dual enrollment programs for many years. Both schools are closing in June of 1971.

The effects of dual enrollment are limited and relatively short lived. Its limited life span and usefulness derive from the fact that dual enrollment is an educational remedy applied to non-denominational ills. It is used to assist Catholic schools in a period of crisis. But the problems of Catholic schools are not simply educational or financial. The basic problems are of a social and religious nature.

The combination of decreasing parochial school enrollment, decreasing vocations to religious teaching orders, and the rising cost of operating schools, hold many Catholic schools in a death-like grip. There is no evidence nor reason to believe that dual enrollment can reverse any one of these trends.

In Michigan City, Indiana (cs:4), public and nonpublic school officials worked together for two years and their dual enrollment program seemed sure to succeed. Just before the program's opening, the religious order that would have staffed the Catholic school announced it could not provide sisters. The program was cancelled.

In Warren, Michigan, several Catholic schools involved in successful dual enrollment programs for more than four years, are closing this June because they can no longer afford the costs of their half of the program (cs:15).

In Michican (cs: 2, 7, 15), the evidence suggests that dual enrollment tends to accelerate decreasing Catholic school enrollment. Catholic parents are apparently even less inclined to support schools that are half Catholic and/or see that the public schools are not as bad as they thought (cs:1)

At best, dual enrollment gives Catholic schools a temporary lease on life. It is a stop-gap measure, providing temporary financial relief. Inevitably, however the factors which necessitated dual enrollment catch up with and offset the temporary relief offered by this plan. Unfortunately this "lease on life" is often erroneously regarded as a final solution. In such cases Catholic school officials stop their search for alternative solutions and directions. The results are inevitable: The Catholic parish eventually loses its school program and ends up with nothing.

In Fraser, Michigan, at a point in time when Catholic schools in surrounding communities were entering into dual enrollment programs, the parish dropped its school program and put its resources into what has developed into a highly successful release time catechetical center (cs:24). This center will long outlive dual enrollment programs and might well serve as a model of alternative means of religious education for Catholic school officials.

Besides the fact that its effects are limited, there is another reason to approach dual enrollment with caution. The single major factor contributing to the success of a dual enrollment program is the local chemistry, the political-religious atmosphere of the community. Where the relationships between public and nonpublic school officials is amicable, dual enrollment is almost guaranteed success. On the other hand, no plan, however brilliant, can succeed if school officials do not cooperate with each other. Personal relationships are clearly a shaky basis on which to advocate or build public policy. Caution is clearly called for.

Despite its shortcomings, dual enrollment does serve several useful purposes. It assists parochial schools at a minimum expense to taxpayers; it offers expanded educational programs to nonpublic school pupils; it introduces parochial school children and their parents to public education.

The last effect is particularly significant. Many educators find increasing interest, enthusiasm and support coming from the private sectors. Community concern for the quality of public education is clearly a unifying force.

In generating interest, support and unity, dual enrollment acts as a mechanism of transition between two periods in the history of American education. The time now past, witnessed the successful operation of an extensive private school system alongside the public schools. The future is not yet clear.

But it is clear that dual enrollment will serve public and nonpublic school pupils, parents and officials during the period of transition. Dual enrollment will not preserve the old order, but it will make more smooth the emergency of America's educational future.

LEASED FACILITIES

Introduction

Leased facilities refers to a type of local cooperative program in which a public school leases either all or a part of a nonpublic school facility. The leased rooms or buildings are used for public school classes and are often operated in conjunction with programs of reverse dual enrollment and leasing of services.

Our case studies provide us with some excellent examples of leased facilities programs. Public school kindergarten and Special Education classes in Rutland, Vermont operate a facility owned by a Catholic parish. The public school needed space and could not afford to build or to purchase a facility. In this program, the public school leased the Immaculate Heart elementary school which closed in 1969 for $12,000 per year (cs:16).

In Jasper, Indiana, 44 of the town's 61 elementary school classrooms operate in facilities leased from three Catholic parishes. This extensive leasing operation began before the Civil War and until 1946 all of the public school classrooms were leased from the Catholic parishes (cs:18).

For one dollar ($1.00) a year the school board of Centerline, Michigan, rents an entire building - 11 classrooms - from St. Clement's parish for use in a dual enrollment program (cs:6).

History

In about 1820 when the nonpublic and public schools emerged as distinct entities, the practice of a public school leasing a facility from a nonpublic school became possible. Although earlier examples might exist, the first program we uncovered was a leased facilities plan that began in 1848 (cs:17). The minutes of a Town Council meeting in Ferdinand, Indiana, November 19, 1848 reads as follows:

> "Township Ferdinand trustees order that the township treasurer be authorized to receive dividends due this township from the County treasurer and School Commissioner."[47]

The town did not own the schools in Ferdinand but leased them at arbitrary and varying rates from the Catholic pastors. The pastors collected what the market would bear.

Little information is available tracing the development of leasing practices between public and nonpublic schools. The very early Ferdinand program seems to be the exception, explained by the unique religious-cultural history of the community. A similar history explains the leasing practices started in Jasper, Indiana, shortly after 1850 (cs:18).

Development

In the absence of empirical data, inferences about the development of leased facilities programs can be made. It is more accurate to consider leased facilities programs as a financial arrangement rather than an educational plan. The case studies clearly suggest that the development of leasing programs is a function of a public school demand for, and a nonpublic school supply of, space.

The non-availability of space in nonpublic school facilities is clearly a limiting factor to such programs. Given the enormous and rapid growth of nonpublic schools, until the late 1960's it seems most unlikely that facilities were leased on any large scale basis until after 1965.

If we examine the growth of Catholic schools, for example, between 1920 and 1965, we find expansion so rapid that the leasing of facilities seems most unlikely. It would seem that Catholics filled their schools as quickly as they could build them. But more recently, Catholic schools have closed or experienced a decline.

While the decline in enrollment can be partially attributed to decreasing birth rates, it is fairly clear that a large number of youngsters formerly in Catholic schools have begun to enroll in public schools. Furthermore, there are some 1,400 facilities owned or formerly owned by Catholic groups that are no longer used for their primary purpose. At the same time, public school enrollment continues to increase albeit at a less rapid rate than between 1900 and the late 1960's.

The downward national trend in Catholic school enrollment and facilities combined with the upward enrollment trend of public schools suggests a supply and demand curve for school space that leased facilities programs have most likely developed on a broad scale within the past five years.

Furthermore, fourteen of our seventeen case studies that had a leasing component were begun after 1967. Granted that the sampling of these programs was not random, the eivdence collected from them nonetheless supports the contention that the common use of leased facility programs programs is a relatively new development (Table 5).

Patterns of Leasing Programs

Although there are many combinations and variations, three basic patterns of leased facilities programs seem to emerge. These are :

1) leased facilities for public school use only,
2) leased facilities for dual enrollment purposes, and
3) leased facilities with leased services.

Leased Facilities for Public School Use Only

In Haubstadt, Indiana (cs:11), the school corporation leases five of the thirteen classrooms in Sts. Peter and Paul School. The entire public school fifth and sixth grade enrollment take all their classes in these leased facilities. They are taught by public school teachers exclusively.

The kindergarten and Special Education programs in the town of Rutland, Vermont (cs:16), are housed in a building leased from Immaculate Heart Parish. This is another example of leased facilities used exclusively for public school purposes.

This leasing plan can be best characterized by the activities of the children enrolled in the facilities. They take all their courses in the leased public school facilities, take only the courses prescribed in the public school curriculum, and are instructed by public school teachers.

Such arrangements may or may not include a release time program (cs:11). When a release time program is included it does not change the basic characteristics of the leasing plan described above.

Leased Facilities for Dual Enrollment

Any one of the dual enrollment patterns described in the previous section could operate in leased facilities. Limited dual enrollment and partnership dual enrollment programs are frequently found in leased facilities. In such arrangements, they are called dual enrollment in reverse. They are described in detail in the previous Section. A few case studies are provided to illustrate this model.

Students in St. Catherine's school, Nelson County, Louisiana (cs:9),study business education in a public school classroom rented and operated within their Catholic school. In Bardstown, Kentucky, fifty students at Bethlehem Academy study biology in a public school course offered in a leased classroom within the Catholic school (cs:9).

In Warren, Michigan, the Fitzgerald School Corporation leased eight classrooms in St. Mark's school. Five hundred and five students spend half their day in these public school rooms and half their day in the Catholic portion of the building (cs:15).

Leased Facilities with Leased Services

Leasing programs of this type are distinguished from other patterns by the fact that the teacher in the leased facility are themselves former nonpublic school teachers. In such programs, the public school hires a person who formerly taught in a nonpublic school.

Actually the term leasing here is misleading. The public schools hire teachers formerly associated with the nonpublic school. Thereafter there is no distinction between these teachers and any other public school teachers.

Leasing of services can be involved in either of two leasing patterns already described, leasing for exclusive public school use, and leasing for dual enrollment. For example, the Tenth Street School in Jasper, Indiana (cs:18) is leased from St. Joseph's parish and operates exclusively in a public school. Thirty-four of the forty-eight teachers as well as the school principal are Catholic nuns.

In the leased facilities with dual enrollment programs operating between the Fitzgerald School Corporation and St. Mark's in Warren, Michigan, the principal of the public school section and one of the teachers, are Catholic nuns (cs:15).

ANALYSIS

The particulars of a lease vary according to the type of program operated within the leased facility. The leases for eight programs are included with their case studies in Part II. These include the programs in Fort Branch and Haubstadt, Indiana; Rockwood and Centerline, Michigan; Fitzgerald and Warren Consolidated School Corporations of Warren, Michigan; and two programs in Jefferson County, Louisiana (cs:11, 14, 6, 15, 7, 9).

From examining these documents and from interviewing school officials, six rather common characteristics of the leases did emerge. First, the documents can be divided into "lease to purchase" agreements and "lease to use" agreements. In the lease to purchase agreement, rent paid for use of a facility is accumulated toward its eventual purchase. For example, the town of Ferdinand pays $36,000 a year rent to use the old St. Ferdinand's High School. These payments are credited toward the $450,000 purchase price of the building (cs:17). The more common agreement, however, is of the second type, and involves a fee for the use of facilities for a specified period of time.

Second, in all cases, the lease is in effect only during the school year. The lease generally takes effect late in August or early September, and runs until the end of school in June. Except in lease to purchase programs, the leases are for one year, renewable on a year to year basis. No general pattern exists for the hours during which the lease is in effect. Some programs have a 24 hour a day, seven days a week lease. Others are in effect only during school hours, on school days; in these instances the Catholic parish uses the facilities for their own purposes during nonschool hours.

Third, very few leases include detailed specification of educational policy. The only educational policy generally stated, specifies that when the lease is in effect, the facility is under the complete and exclusive control of public school officials.

Fourth, many leases specify that all religious insignia must be removed from the leased facilities during time that the lease is in effect (e.g., cs:15). Several specify that the leased classroom must be clearly identified as public school classrooms and must have exits and entrances separate from the rest of the facility (cs:8).

Fifth, the lessor, the nonpublic school, is generally responsible for maintenance, janitorial services, and a pro-rated share of utility expenses.

Finally, all leases include the use of permanent equipment in a leased facility. This includes tables, chairs, desks and all permanent laboratory equipment.

Finances

The rental fee for a leased facility has little to do with the size of the program. In Centerline, Michigan (cs:6), the school board rents an entire building - 11 classrooms - for one dollar ($1.00) a year. Similarly, for a dollar a year, the Fitzgerald School Corporation in Warren, Michigan (cs:15), rents eight classrooms from St. Mark's.

On the other hand, the Warren Consolidated School Corporation rents 12 classrooms for $26,500 a year from St. Ann's Parish (cs:7). This amounts to $2,208 per room, per year. In Louisville, the Board of Education pays $1,100 a year for each of four rooms in Flaget Catholic High School (cs:10).

A listing of rental fees for fourteen leased facilities programs is shown in Table 5.

The finances of a leased facility program are determined by the following four factors:

1. The relationship between public and nonpublic school officials,
2. The magnitude of the Crisis in the Catholic schools,
3. The availability of space in the public schools, and
4. The state policy on pro-rata aid to dual enrolled students.

The financial dynamics resulting from the interaction of these factors were discussed under Finances in the dual enrollment section and will not be repeated.

The financial results of leased facilities programs are basically the same as those for dual enrollment programs. Briefly these are the possibilities: The program can be a considerable expense for the public schools, nonetheless it saves them the even greater costs of construction often necessary to assimilate the CAtholic school transfers; the program can be a slight expense but saves t the cost of assimilation; the program is run with a guaranteed break-even clause in the lease and at the same time saves assimilation costs; and the cost of the program is exceeded by the amount of state aid and at the same time saves assimilation costs.

Legality

The U. S. Supreme Court has not yet ruled on a leased facilities case. However, from past decisions it would seem that a leased facilities program must meet two requirements to be Constitutional: (1) it must have a secular purpose, and (2) it must not enhance or inhibit religion.

Court decisions on the legality of such programs are found in two states in which case studies on leased facilities were carried out. The Indiana Supreme Court declared (State ex. rel. Johnson *et al.*, v. Boyd, *et al.*) that it was legal for a public school corporation to rent space and operate classes in a sectarian facility, (June 28, 1940). In Kentucky, rulings on the question of public schools leasing nonpublic school facilities for use as public school classrooms, were handed down in 1917, 1928 and 1956.

The Court decisions are summarized as follows:

1917 - The Kentucky Court of Appeals ruled unconstitutional the Public School leasing of classrooms in a Presbyterian College because the Public School Board permitted college officials to influence, operate, and control classes taught.

1928 - Crain vs. Walker: The Kentucky Court of Appeals ruled that a Public School Board could lease classrooms and supply staff to teach children in an orphan home operated by the Kentucky Baptist Church.

1956 - Rawlings vs. Butler: The Court of Appeals ruled constitutional the public leasing of private facilities for use as public school classrooms "so long as the church in no manner attempts to influence or control the ways the school or classes are conducted or operated or how they are taught.[48]

TABLE 5

DATA DESCRIBING FOURTEEN LEASING PROGRAMS

Location	When Founded	Public School Or School Corporation	Nonpublic School	Number of Rooms	Rental Fee Per Yr.	Cost Of Total Prog.Per Yr.	Cost of Rm. Per Year	Copy Of Lease In Case Study
Jasper, Ind.	1846	10th St.	St. Joseph	34	$7,000	$7,000	$ 206	No
Ireland, Ind.	1846	Ireland	St. Joseph	10	--	--	550	No
Ferdinand, Ind.	1848	Ferdinand	St. Ferdinand	52	550	17,600	265	No
Haubstadt, Ind.	1969	Gibson	Sts. Peter and Paul	5	265	1,325	265	Yes
Fort Bronx, Ind.	1969	Gibson	Holy Cross	2	265	530	200	Yes
Rockwood, Mich.	1968	Gabralter	St. Marys	6	1,200	1,200	.09	Yes
Centerline, Mich.	1968	Centerline	St. Clements	(1Bldg.) 11	1	1	.12	Yes
Warren, Mich.	1969	Fitzgerald	St. Marks	8	1	1	2,208	Yes
Warren, Mich.	1968	Warren Consolidated	St. Ann	12	26,500	26,500	25	Yes
Rutland, Vt.	1970	Rutland	Christ The King	2	50	50	25	No
Rutland, Vt.	1970	Rutland	St. Peters	2	50	50	1,100	No
Louisville, Ky.	1968	Shawnee	Flaget H.S.	4	10	4,400		No
Louisville, Ky.	1968	Jefferson	St. Lawrence	1 1/2	"Adequate Consideration"			Yes
Louisville, Ky.	1968	Jefferson	St. Dennis	1 1/2	"Adequate Consideration"			Yes

Clearly, leased facilities programs have been structured to satisfy these courts and could likely pass the Supreme Court.

Conclusion

The detailed analysis and conclusions of dual enrollment can be applied to leased facilities as well since the two programs are usually interwoven. Leased facilities programs are financial arrangements, rather than an educational relationship. They work effectively because they serve both the public and the nonpublic schools quite well. Leased facilities programs are a function of the crisis in Catholic schools, the availability of space in the public schools, and the state regulation on reimbursement of dual enrollment students. Whether these three ingredients combined effectively to produce a leased facilities program essentially depends on the relationships that exist between public and nonpublic school officials.

Leased facilities programs should be approached with caution for three reasons:

1. Personal relationships between public and nonpublic school officials are essential to these programs and are a weak base on which to build or advocate public policy.
2. The leased facility programs have the same short term beneficial effects but dubious long term value described for dual enrollment.

3. Public school officials enter into leasing agreements only so long as they serve the public interests. Dwindling enrollments in both public and nonpublic schools suggest that leasing programs may soon become unnecessary. In Boonsville, Indiana, for example, a proposed program was turned down because the public school could already assimilate the Catholic school population (cs:13).

For these reasons, leasing programs should be seen for what they are: a temporary aid to both public and nonpublic schools during a period of transition in American education.

LEASED SERVICES

Introduction

Closely coordinated with dual enrollment and leased facilities, are programs of leased services, a third type of local cooperative program. Leased services is an arrangement in which a public school Board employs as public school teachers, persons who formerly and generally teach in nonpublic schools. Such programs usually involve a Roman Catholic sister being hired by the public school to teach public school classes.

Examples of this form of local cooperation are found in programs already described in Jasper and Ferdinand, Indiana (cs 17, 17); Louisville and Jefferson County, Kentucky, cs; 9, 10); Warren, Centerline and Rockwood, Michigan (cs; 7, 15, 6, 14); and Rutland, Vermont (cs:16). In each case one or more Catholic sisters have been employed as public school teachers.

It should be noted once again that leasing here does not have the same implications as "leasing" a classroom. In the latter case the building or room is still owned by the nonpublic agency. In the former case the individual is a certified, qualified, experienced professional free to pursue her career interests. Co-incidentally these individuals are also sisters. These "leased" teachers are in fact hired and treated like any public school teacher. Once hired by the public sector they in no way still "belong" or are "owned" by the nonpublic agency. The fact of their former employment,however,has somehow erroneously, we think, led to the coining of the phrase "leased services." There are examples of where only part of a Catholic school teacher's time is purchased and in these cases "leased" services seems to be an applicable term to describe the arrangement. In these cases a part of the individual's time is purchased by the public sector while the principal affiliation remains with the nonpublic sector. Such cases are rather rare however (cs:15, 14).

History and Development

The earliest programs which "leased" the services of sisters are found in Jasper (cs:19) and Ferdinand, Indiana (cs:17). Catholic priests and sisters have taught in the public schools of these towns since 1863. A similar program of long standing has been operating in Port Huron, Fort Kent,and Madawaska, Aroostic County, Maine.[49]

Other than these rather unique cases, there is little information available concerning the history or extent of leased services.

Leased services were almost always found in conjunction with dual enrollment in leased facilities. The growth of dual enrollment in leased facilities over the past five to ten years suggests that the closely related leased services programs may likewise have become more commonly practiced since the early 1960's.

Patterns of Leased Services

Leased services programs can be operated in any type of public school setting. This includes the following arrangements:

1. leased services in a public school owned and operated exclusively as a public school,
2. leased services in a school operated exclusively as a public school in a leased facility, and
3. leased services in a dual enrollment program operated in a leased facility.

We were unable to locate an instance of the first pattern. However, it is becoming increasingly common to find Catholic sisters taking jobs in public schools.

The second pattern is practiced extensively in both Ferdinand and Jasper, Indiana. In Ferdimand, 32 of the 42 elementary school teachers are Catholic sisters (cs:17). They work in classes leased by the public school Board and operated exclusively as public schools. Thirty-four of the forty-eight teachers working in a similar school in Jasper are Catholic nuns (cs:18).

The third arrangement is by far the most common. Leased services in leased facilities can involve either limited dual enrollment or partnership dual enrollment. For example, in Louisville, Kentucky (cs:9), a nun teaches biology to dual enrollment students as a full time public school teacher. The classroom she works in is leased by the Board of Education in the Catholic owned Flaget High School. It is interesting to note that the sister in question applied for a public school teaching job and happened to be assigned to Flaget.

In Rutland, Vermont (cs:16), the seventh and eighth grade students in St. Peter's School and Christ the King School spend half their day in public school classes and half the day in Catholic operated classes. The public school classes are operated in the two rooms leased by the town in each of the schools. The town now employs the same people who previously taught in these Catholic schools as public school teachers.

Leased services programs can involve the employment of nonpublic school personnel in several different public school positions. In the Louisville and Rutland examples, the nonpublic school personnel are employed as teachers. In Warren, Michigan, the Fitzgerald School Corporation operates a partnership dual enrollment program with St. Mark's Catholic school. The Corporation pays one-third of the Catholic school principal's salary in return for which this Catholic nun acts as principal for the public school portion of the program (cs:15). Services are truly "leased" in that the principal's main affiliation is still to the nonpublic school in this instance.

Finances

Persons employed in leased services programs receive the regular public school wage. This is determined by the teacher's academic background and teaching experience.

The public schools do not save money on leased services since they pay the regular salary scale. Leased services do not directly profit nonpublic schools either. Indeed, such programs sometimes draw some sisters away from the lower paying Catholic school programs. This in turn adds to the decrease in the number of religious teachers available to Catholic schools. The salaries earned by sisters employed in leased service programs do not go to the schools, but rather to the religious orders to which the nuns belong.

Legality

The legality of leased service programs has not been tested by the U. S. Supreme Court. Several state Supreme Courts have ruled on such programs and among them are two states from which case studies are drawn.

In Kentucky, the state court of appeals ruled in Rawlings v. Butler, 1956, that sisters hired by public schools could teach classes in rooms leased from the Catholic churches. Furthermore, the Court ruled that "the wearing of religious garb by nuns teaching public school children did not, of itself, violate the constitutional guarantee of freedom of religion."[50]

In Indiana, the State Supreme Court in _State_ _ex_ _rel_. _Johnson_ _et_ _al_., _v_. _Boyd_, _et_ _al_., June 28, 1940, wrote the following three passages as part of their decision:

> School trustees may hire persons of any religious faith or members of religious orders as school teachers.
>
> The employment by school/city board of trustees, of teachers in buildings which had been used as a Roman Catholic parochial school, could not be held invalid because such teachers belonged to certain orders of Catholic Church, since employment of teachers was within discretion of trustees so long as teachers met qualifications required by law and membership in any particular church can neither qualify nor disqualify a teacher.
>
> That teachers, employed by school city board of trustees in buildings which had been used as a Roman Catholic parochial school, while teaching, wore the robes of various Catholic orders to which they belonged, did not constitute "sectarian teachings" or make it illegal for them to be paid their salaries as teachers from public school funds.[51]

It would seem that the legality of a leased services is best judged by answering the question - does the arrangement serve a secular purpose or a religious purpose?

Legality is demonstrated by showing that the teachers employed in a leased service program are exclusively and completely responsible to the public school principal, superintendent and school board. The teacher must adhere to the rules and regulations of the School Board and teach the curriculum prescribed by the Board.

Analysis

Although technically considered a form of local cooperation, leased service programs are functionally nothing more than a public school policy. The policy does not save the public school money and it aids the Catholic school only indirectly by contributing to the support of the religious teaching orders.

Leased services arrangements supply public school systems with qualified, experienced teachers. In dual enrollment programs, it provides teachers who might know the children or their families and might be familiar with the school and the community.
Also in dual enrollment it can provide a part time principal who is responsible for both portions of the program.
This type of administrative arrangement is clearly advantageous.

Conclusions

Leased services programs are essentially a public school policy. Such arrangements provide the public schools with experienced, qualified teachers. On the other hand, leased services is of little or no benefit to nonpublic schools. Indeed, it decreases the number of religious teachers available to nonpublic schools.

In certain aspects of dual enrollment programs, leased services offer administrative advantages, but in general, such programs are not an effective form of local operation.

SHARED FACILITIES AND SHARED SERVICES

Introduction

Shared facilities is a type of local cooperative program in which public and nonpublic school students use facilities and equipment in each other's schools without the assessment of any rental fee.

For example, in Jasper, Indiana (cs:17), Catholic students at the Immaculate Heart and Precious Blood schools use the gymnasium in the Tenth Street School operated by the public school corporation.

In Fort Branch, Indiana (cs:11) students at the public high school have used the cafeteria at the Holy Cross school for years on a no fee basis. The nearest public school cafeteria is a mile away in the elementary school.

Shared Services programs involve the public school authorizing their personnel to provide instructional, health or psychological services to nonpublic school children on the nonpublic school premises.

For example, in the Jasper program, a public school nurse and a physical education teacher make periodic visits to the two Catholic schools involved in the shared facilities programs.

Because our study deals with local cooperative programs, we exclude from our discussion State supported programs providing facilities and services to nonpublic schools and Title I and Title III programs which likewise provide facilities and services to nonpublic school students. State programs are discussed in Chapters 2 and 3 of this volume and Federal programs in Chapter 1.

History and Development

Shared programs are the form of local cooperation for which there is the greatest paucity of information. The reason for this derives from the basic dynamic involved in the establishment of such programs. Local officials set up and operate shared programs with a degree of informality which far exceeds that found in the other types of local cooperation ventures. Written descriptions, summaries or empirical evaluations are exceedingly rare.

Extent of Shared Facilities

A 1966 study by the National Educational Association (NEA) Research Division[52] found that approximately fifty percent of public school systems with enrollments over 12,000, and seventy-five percent of those with enrollments over 100,000, cooperate in some manner with the nonpublic schools in the community.

The most common resource-sharing practice was lending or giving materials to nonpublic schools. Over one-third of the large systems reported such sharing, while less than one-fifth of the smaller (enrollments of 12,000 to 24,000) cooperated in this manner. The second most prevalent area of resource sharing was the use of public school facilities by nonpublic school pupils. Again, the large systems reported the highest percentage of assistance (almost 30 percent), while less than 20 percent of the smaller systems reported sharing facilities. Both of these arrangements are forms of shared facilities.

The last reported area of sizable resource sharing reported in the NEA study involves the sending of educational specialists to nonpublic schools -- over one-fifth of the 24 largest systems so reported, while only one-eighth of the systems enrolling 12,000 to 99,999 students reported sending specialists to nonpublic schools.

Minor sharing was reported in the form of public schools sending teachers to nonpublic schools to teach some classes. These are both examples of shared services. The NEA findings on shared facilities and shared services are shown in Table 6.

Patterns of Shared Programs

Programs of Shared Facilities can take two forms. The most common form of shared facilities programs involves the use of public school buildings, sites or mobile educational equipment, without

Table 6

TYPES OF RESOURCE SHARING BETWEEN PUBLIC AND NONPUBLIC SCHOOLS
(All figures are percentages)

Shared Resource	Systems enrolling 12,000 or more	Enrollment Group of School Systems			
		100,000 or more	50,000 99,999	25,000 49,999	12,000 24,999
No cooperation	49.5	25.0	44.7	54.4	51.2
Public schools give or lend materials to nonpublic schools	21.0	37.5	19.1	24.1	18.8
Nonpublic school pupils use some public school facilities other than classrooms	17.5	29.2	17.0	19.0	16.0
Nonpublic school pupils take some classes in public schools under public school teachers	15.0	16.7	14.9	15.2	14.3
Public schools send some educational specialists to nonpublic schools	13.2	20.3	14.9	10.1	13.2
Public schools send teachers to nonpublic schools to teach some classes	2.7	....	8.5	2.5	2.0
Number systems reporting	400	24	47	79	250

rental fee, by pupils from nonpublic schools under the direction and control of nonpublic school officials. The second pattern involves the use without rental fee of nonpublic school buildings, sites or equipment by public school pupils under the direction and control of public school officials.[54]

Programs of Shared Services take the single pattern where public school personnel provide services to nonpublic school pupils in the nonpublic school facility.

Finances

Shared programs, by definition, do not involve any payment of fees for the use of facilities or equipment. A certain saving of funds is involved, of course, because the school whose students make use of the program are spared the cost of providing the facilities or equipment involved.

Legality

The legality of shared programs is based on the child benefit theory. This theory argues that the child, not his school, receives the benefit of such program and that since his parents are taxpayers, he is entitled to these benefits. The U. S. Supreme Court supported this theory when it ruled that it was constitutional for the state to provide transportation for children going to either parochial or public schools in the 1947 New Jersey school bus case of Everson v. Board of Education.

In the most recent case relevant to the issue, in 1968 the Court upheld a New York program to provide textbooks to private school pupils concluding that the public aid was directed at the student in the nonpublic school and not at the school or its related church (Board of Education v. Allen).

The evidence clearly indicates that shared facilities programs are legal.

Analysis and Conclusions

Community based shared facilities, shared services programs are legal and work effectively. Their basic and not insignificant limitation is that they are exclusively a function of the relationship between public and nonpublic school officials.

A school official in Hartford, Connecticut, discussing a shared facilities program once remarked:

> "There is a tradition of very happy relations between the public and parochial schools of this city. There is a strong community feeling that if youngsters are entitled to receive a total program of education under public auspices they are entitled to share facilities. Details of scheduling are worked out on a very friendly, cooperative basis by officials of the public and parochial schools."[55]

Such a sense of cooperation is highly laudable, but clearly calls for caution. A program predicated on such cooperation can find limited application and only offers assistance when prerequisites of personal friendship are met. For this reason local programs are a sharply limited form of assistance to nonpublic schools.

RELEASE TIME

Introduction

Release Time is an arrangement whereby public schools, upon parental request, regularly excuse a full-time public school pupil to attend religious instruction in a church sponsored facility. For example, in the Bedford Stuyvessant section of Brooklyn,three different public grade schools release a total of 220 students every Wednesday at 1:00 o'clock to take religious instruction at St. Ambrose School (cs:20). In Fraser, Michigan, some 1147 children in grades one through six, from seven different public schools, attend the School of Religion sponsored by Our Lady Queen of All Saints Parish (cs:24). The School of Religion offers courses three times a day, Monday through Thursday, in order to accommodate the various public school schedules.

History and Development

Release time is basically an idea that developed in Protestant churches, according to Reverend Robert Baker, Executive Secretary for the Greater New York Coordinating Committee on Released Time.[56] Interests and priorities among Protestant churches have shifted over the past fifteen years and today release time programs are most commonly operated by Catholic agencies.[57]

The first release time program began in Peru, Indiana,in 1913. The growth of such programs is evidenced by enabling legislation passed in thirteen states before 1945. This information is shown in Table 7.[58]

TABLE 7

ENABLING LEGISLATION FOR RELEASE TIME PROGRAMS

State	Year of Passage
Minnesota	1923
Oregon	1925
South Dakota	1927
Iowa	1931
Maine	1939
West Virginia	1939
New York	1940
Kentucky	1940
Massachusetts	1941
Indiana	1943
California	1943
Hawaii	1945
Pennsylvania	1945

Extent

Release time is the most extensively practiced model of local cooperation. Although we could not find current national data on release time programs, a 1963 Yearbook of American Churches reported 3,749,522 Roman Catholics in public schools enrolled in weekday classes.[59] Furthermore, release time is growing rapidly. In Brooklyn, Catholic school officials have recorded an increase in release time enrollment of more than 12,000 students between 1969 and 1970 (cs:20).

Patterns of Release Time

The basic pattern of release time programs involves parents sending a written request to the public school principal asking that their child be released from class to take religious instruction in a program of his choice. The parent is invited to participate in the program by the sponsoring religious agency who provides her with a parent request form. In most cases, the religious agency collects the signed cards from parents and delivers them to the public school (cs: 21, 22, 23).

Within this basic pattern, three aspects of the program can vary: first, the amount of time allowed for religious instruction; second, the schedule of releasing students; and third, the nature of the sponsoring agency.

Amount of Time

The amount of time allowed for religious instruction is generally set by state law or local public school policy. The students are allowed at least a period a week, approximately sixty minutes (e.g., cs:11:24), and sometimes as much as 180 minutes a week for religious instruction (e.g., cs:23).

Scheduling

In some schools and cities, all the children are released at the same hour and on the same day; these are called simultaneous released time (cs:21). If release time is provided at different hours of the day or on various days of the week, the program is called staggered, alternating, or free-schedule released time (cs:23).

Agency

Until recently, the sponsoring agency was always a single sectarian group. Many programs today, on the other hand, are operated by interdenominational councils (e.g., cs:22, 23).

Finances

The sponsoring agency must pay the entire cost of a release time program. This includes the printing of parent request cards, student transportation costs if any, fees for instructors, and the operation of the facility in which instruction is given.

Legality

Release time is the only local cooperative program on which the U. S. Supreme Court has ruled. The Court has twice reviewed release time. In 1948 in McCollum v. Board of Education, the Court ruled against a program in Champaign, Illinois, because the religious instruction was offered within the public school. The Court by a vote of 8 to 1, ruled that "this is beyond all question a utilization of the tax-established and tax supported public school system to aid religious groups to spread their faith. And it falls squarely under the ban of the First Amendment (made applicable to the States by the Fourteenth)."

Six years later by a vote of 6 to 3, the court sustained the legality of a New York State pattern of release time. In this program, the children were excused from public school to take religious instruction away from school property. In the majority opinion, Justice William O. Douglas asserted that: "When the state encourages religious instruction or cooperates with religious authorities by adjusting the schedule of public events to sectarian needs, it follows the best of our tradition. For it then respects the religious nature of our people and accommodates the public service to their spiritual needs."

Analysis

Release time programs do not benefit public schools nor do they benefit nonpublic schools per se. Release time presents two problems to public schools. In the first place, it often involves complicated scheduling arrangements. This is particularly true in programs with staggered schedule release time. Secondly, often times only a portion of the pupils in a particular classroom will be involved in release time. This makes it difficult for the teacher to proceed with the lessons without penalizing the students who have left for religious instruction (cs:20). This problem can be so serious that public school regulations sometimes prevent teachers from presenting new material while part of the class is on release time (cs:20).

Nonpublic schools do not derive direct benefit from release time programs. Rather, the sponsoring agency is provided an opportunity to spread its beliefs through such arrangements. Coincidentally, the sponsoring agency might also operate a school, but this school actually gains nothing from the release time program.

Just as we have seen in all other forms of local cooperation, the relationship between public and nonpublic school officials contributes significantly to the effectiveness of a release time program. Not withstanding Supreme Court approval, and State law, strained relations among school officials can have a crippling effect on a release time program (cs:20).

Conclusion

Release time programs are of little benefit to either public or nonpublic schools. Such arrangements, however, offer religious denominations an opportunity to educate a larger number of students than are enrolled in sectarian schools. For example, 62 percent of the Catholic children in the United

States attend public schools.[61] Catholic educators can reach these youngsters through release time programs.

The most significant contribution of release time is that such programs provide alternatives to religiously sponsored schools. It was not within the limits of this study to investigate the curriculum offerings in Church sponsored religious education programs. However it is fairly safe to assume that in most the curriculum is very much like the CCD or Sunday School curriculum. Attitudinal data show that sisters and priests are very dissatisfied with these regular religious education programs.

However expanded and improved programs of religious instruction can be developed within the release time model. The program in Fraser, Michigan serves as an excellent example (cs:24).

The crisis in nonpublic education and the limited effects of other local cooperative programs strongly suggest the serious examination and support of the release time model.

LOCAL COOPERATION PROGRAMS
A FINAL ANALYSIS

As we have seen, local assistance to nonpublic schools takes the form of community based cooperative school programs. Dual enrollment, leasing and sharing facilities and/or services, and release time are the basic devices through which local communities attempt to provide relief to their endangered nonpublic schools. A critical analysis of the case studies that follow in Part II reveal that these basic models share five elements in common: first, they are critically dependent on the subtle religious-political dynamics and traditions of the local community for their inception and continuance; second, however favorable local conditions might be, the effects of such programs on alleviating the crisis facing the local nonpublic schools are limited; third, such programs unintentionally, but invariably, have some negative effects on nonpublic schools and sometimes adversely affect public education; fourth, local programs always provide some benefits to the public school; and fifth, local programs do offer several types of at least short term assistance to the nonpublic schools.

Before discussing each of these common characteristics in more detail, we should point out that leasing and sharing programs are generically included when we use the term dual enrollment. Although such programs sometimes operate without dual enrollment, they are most frequently found in conjunction with dual enrollment and are most effective when operated concomitant with dual enrollment. On the other hand, release time is, in several respects, essentially different from the other types of local cooperation and specific reference will be made to it.

Community Dynamics

More than any other single factor, the relationship between public and nonpublic school officials determines the fate of a cooperative program. When public and nonpublic school officials are friendly, almost *any* program can flourish; where the relationships are strained, *no* program, however brilliant, can succeed: the case studies reveal no exceptions to this rule.

Indeed, a prerequisite for a successful program seems to be a public school official who takes a personal interest in the program. In case after case, a public school official was identified by nonpublic schoolmen as being instrumental in the establishment of a cooperative venture. In Chicago, for example, the official was an assistant superintendent (CS:1); in Cherry Hill, Michigan; Michigan City, Indiana; Louisville, Kentucky: Haubstadt and Fort Branch, Indiana, it was the public school superintendent (CS:2, 4, 9, 10, 11).

The effects of "community chemistry" contrast most vividly in the examples of two similar programs: the Christian Education Center (CEC) in Gainesville, Georgia, (CS:5), and the Bennington Religious Educational Foundation (BREF) in Bennington, Vermont (CS:22). Both programs were designed as interdenominational release time centers. The director of the Gainesville program reported that he had visited BREF in 1968 and he felt the two programs were unquestionably identical. The CEC program has tripled its enrollment since 1968 and presently the public school now accepts for credit courses taken in the Center; the BREF program, on the other hand, is floundering badly, has lost enrollment, and its future is bleak. Other things being equal, the principal difference between the two programs is the local religious-political milieu. Indeed, public school officials in Bennington are not uncooperative, they are simply not as supportive or enthusiastic as school officials in Gainesville. Further, Bennington, unlike Gainesville, did not have the long tradition of religious instruction in its public schools. These two subtle dynamics go a long way toward explaining success in Gainesville and a struggle for survival in Bennington.

Even in a case where the program is sanctioned by both state law and a U. S. Supreme Court decision, less than enthusiastic cooperation can have an inhibiting effect. This situation is clearly exemplified in the Brooklyn release time program (CS:20).

The extent to which local cooperative programs depend on a community chemistry clearly suggests that they should be approached with caution. Personal relationships and community traditions seem a most shaky basis on which to predicate public policy.

Limited Effects

A second reason to employ caution is advocating the extensive use of local cooperative programs in school crises is that their benefits are clearly limited. The best example comes from the highly regarded dual enrollment program in Cherry Hill, Michigan. This program began in 1965 amidst extensive publicity; it was touted as a model of cooperative effort throughout the country. But the Catholic school involved in the program, St. Norbert's, is closing in June. The benefits of the program were not sufficient to keep the school open.

The limited effect of dual enrollment (used generically), derives from the fact that such programs offer financial relief to schools whose fiscal problems are merely symptomatic of deeper, more complex problems. For example, the problem of St. Norbert's was not money per se, but the lack of availability of Catholic sisters. This in turn resulted in a monetary problem. The parochial high school was built explicitly for dual enrollment and consequently required only five teachers. The parish predicated their plans on the assumption that they could find five nuns. The program opened with three sisters, and as it closes, only two sisters are left on the staff. The parish could not support a staff of three lay people. In addition, a two year law suit exacerbated the crisis of confidence, forcing down enrollments which in turn exacerbated the fiscal problem. Further complicating matters was a request for $10,000 to reimburse the public schools for out of district students.

The dual enrollment program spared the parish the expense of a larger staff which would have had to include an even larger number of lay people, but at best, this simply allowed the school to open and limp from one year to the next. It did not solve the crisis of confidence problem with its ancillary fiscal difficulties. The dual enrollment program could do nothing about the lack of teaching sisters. (Michigan City, Indiana, is another classic case in point (CS:4)).

Dual enrollment, at best, can offer Catholic schools some relief from the financial symptoms caused by the more complex religious, social and demographic problems confronting them. However, such relief seems predestined to be temporary because the problems which necessitate financial assistance vis-a-vis dual enrollment, are not alleviated by the program. Ultimately the religious, social, demographic and educational problems besetting Catholic schools tend to outdistance the meager fiscal benefits derived from dual enrollment programs.

Negative Effects

Dual enrollment can be a two-edged sword. With one cut it can eliminate the cost of half the staff formerly employed in the parochial school; but on the backstroke it can complicate the conditions that necessitated its establishment in the first place.

The case studies consistently show that dual enrollment accelerates the decline of Catholic school enrollment. During the first year of the dual enrollment program in Warren, Michigan, (CS:15), enrollment dropped from 844 to 680; in St. Clement's, Centerline, Michigan (CS:6), enrollment also declined sharply. In a detailed analysis of six schools in the diocese of Joliet, rapid and significant decline in enrollment took place following the establishment of dual enrollment programs. (A comprehensive analysis of the Joliet situation is contained in the conclusion of Case Study 1). Although such enrollment trends might be partially attributed to other factors, the rapidity with which they follow the establishment of dual enrollment programs suggests that a cause-and-effect inference is not inappropriate.

Another not insignificant, negative effect involving leased services in which the public school employs Catholic sisters as public school teachers, is the result that this practice diminishes further the supply of already scarce nuns available to teach in Catholic schools. Although this is not an extensive practice, it clearly adds to the problems of Catholic schools seeking religious for their staffs.

Besides accelerating problems that already exist, dual enrollment creates some problems of its own. In every case it has resulted in the segregation of Catholic children dually enrolled in the public school. In almost all cases the children who attend the public school portion of a dual enrollment program are Catholic youngsters who attended classes together in the Catholic school. When leased facilities and leased services are involved, the youngsters attend class in the very same rooms, with the very same pupils, and are often taught by the very same teachers, as they would have been had the facility remained totally under Catholic auspices. Whatever might be the benefits of attending school with children of other faiths are, by and large, denied not only these children but also the public school youngsters who might have been their classmates.

One of the case studies presents a possible solution to this problem of religious segregation. In Marlborough, Massachusetts (CS:8), students enroll in the public school portion of the dual enrollment plan first rather than the Catholic portion. They are given the option of attending St. Ann's school for the rest of their school day or they may attend the Freeman public school to complete their school program. While this program could theoretically eliminate religious segregation, none of the 270 students involved have elected the Freeman school.

If a leased facility does not involve dual enrollment, the problem of religious segregation can be easily overcome. For example, in Haubstadt, Indiana (CS:4), the public leases five rooms in St. Peter's and Paul's school. The entire public school fifth and sixth grade population attends classes in these rooms and the Catholic school has dropped these two grades all together. Thus, a religious mix has been guaranteed. An identical plan is used in Amboy, Illinois (CS:19).

Last but by no means least, dual enrollment is a dilemma for many Catholics: while it offers some assistance, it clearly eliminates the possibility of a total Catholic education. Many feel that their child receives the unique benefits of a Catholic education only if he is totally immersed in a completely Catholic atmosphere. Others, as a result of their children's favorable participation in public school programs find that they have harbored misconceptions about, and prejudices toward public education. It is not within the scope of this study to evaluate the religious-moral benefits of an all Catholic school, versus a dual enrollment school, or a release time program. Whether the decline in enrollment associated with dual enrollment programs is causal or concomitant is not clear. But one inferrence from the rapid decline in Catholic school enrollment which follows the establishment of many dual enrollment programs is that many Catholic parents no longer see the "uniqueness" of an education under dual enrollment. Catholic parents appear less willing to support a program that is only one-half Catholic than they are to support a total Catholic school program.

Aid to Public Schools

Balanced against the several shortcomings of dual enrollment are many benefits that accrue from such programs. Contrary to a rather common misconception, the case studies clearly suggest that public schools receive the greater and more enduring benefits of local cooperative programs. Nonpublic schools are generally forced by a fiscal crisis into such programs; public schools, on the other hand, can freely choose to participate only in programs that serve their interests.

The specific contributions that dual enrollment programs make to public education have been detailed previously. Briefly restated, such programs broaden the base of support for public education, particularly among Catholics; act as a unifying force in the community; eliminate the staggering costs that would be caused by the rapid assimilation of Catholic schools. Through local cooperative programs, nonpublic school students, facilities and sometimes staff, are gently eased into the public school system. The smooth manner with which these programs affect the transition, blunt the financial impact that would accompany a drastic changeover between the two systems.

Aid to Nonpublic Schools

Local cooperative programs generally are initiated by nonpublic school officials to combat a financial crisis facing their schools. A detailed analysis of the benefits that accrue to nonpublic schools from such arrangements has already been presented. Suffice it to say here that essentially, such programs provide temporary financial relief while expanding the nonpublic school's educational offerings.

CONCLUSION

Local cooperative programs only flourish in communities where the political-religious climate is favorable. Such programs by their very design, are intended to assist nonpublic schools. For a limited time and on a limited scale, they accomplish this purpose. But by their very nature they actually become an active mechanism of transition. These programs prepare the community and the public schools for the "new" students whose arrival they almost inevitably guarantee. In the long term view, they offer very little to today's nonpublic schools. However they do offer a unique and significant contribution to American education during a difficult period of transition.

FOOTNOTES

1. Pfeffer, Leo, "Second Thoughts on Shared Time," Christian Century, 79, (June 20, 1962), 779-790.

2. Gibbs, James E.; Solzolowski, Carl J.; Steinhibler, A.W.; and Straser, William C., Dual Enrollment in Public and Nonpublic Schools, U. S. Office of Education Publication, OE-24014, Cir. No. 772, Washington: U.S. Government Printing Office, 1965, p. 1.

3. Stearns, Harry L., "Shared Time: Answer to an Impasse," Christianity and Crisis, XXI (September 18, 1961), 154-157.

4. Stearns, Harry L., and others, "Symposium: Shared Time." Religious Education, 57:1-80; January-February 1962.

5. Gibbs, op. cit., p. 1.

6. Shared Time Programs: An Exploratory Study, Research Division-National Education Association, Research Reprt, 1964-R-10, April 1964, p. 7.

7. Friedlander, Anna F., The Shared Time Strategy. Concordia Publishing House, St. Louis, Missouri, 1966, p. 11.

8. Deedy, John G., "Shared Time - The Pittsburgh Area Experiment" Ave Maria, March 2, 1963, p. 8.

9. National Education Association, op. cit., p. 14.

10 Friedlander, op. cit., p. 11

11 N.E.A., op. cit., p. 5

12. Ibid., p. 14.

13. Walkin, Edward, "Experiment in Educational Sharing," Religious Education, (January-February, 1965), p. 45.

14. N.E.A., op. cit., p. 13.

15. Ibid.

16. Ibid., p. 14.

17. Ibid.

18. Ibid.

19. *Ibid*.

20. NEA, *op*. *cit*.

21. Gibbs, *op*. *cit*.

22. NEA, *op*. *cit*., p. 5

23. *Ibid*., p. 9.

24. *Ibid*.

25. Gibbs, *op*. *cit*., p. 5.

26. *Ibid*.

27. NEA, *op*. *cit*., p. 13

28. *Ibid*.

29. The updated information on the programs in Wabasso, Bird Island and O'Neil was obtained in phone interviews with school officials in the respective towns.

30. NEA, *op*. *cit*., p. 8.

31. *op*. *cit*.

32. Murray's data and summary of it are contained in Appendix J-4.

33. *U.S. News and World Report*, May 3, 1965, p. 53.

34. Information about the Fall River program was obtained in an interview at the New England Catholic Education Center, Boston College, Chestnut Hill, Mass.

35. *Carmen, et al. v. Secretary of State*, March 31, 1971.

36. Friedlander, *op*. *cit*., p. 41

37. Anderson, Walter A., "Shared Time: I'm Against It", *NEA Journal*, LIII (March, 1964), 28-30.

38. Archer, G. L., "Truth About Shared Time," *Education Digest,* XXXII (November, 1966), 10-13.

39. Locigno, Joseph P., Education: To Whom Does It Belong?, New York: Desclee Company, Inc., 1968.

40. Look, XXVI, (August 22, 1962), p. 62.

41. Everson v. Board of Education, 330 U.S. 1 (1947).

42. Board of Education v. Allen, 392 U.S. 236.(1968).

43. The advantages and disadvantages of dual enrollment found in the case studies substantiate those listed in the NEA Study and the study done by Gibbs for the U. S. Office of Education.

44. Locigno, *op*. *cit*., p.

45. Archer, G. L., *op*. *cit*., p. 12

46. Gibbs, *op*. *cit*.

47. Kleber, Albert, Ferdinand, Indiana, 1840-1940: A Bit of Cultural History, 1940, p. 116.

48. Louisville Courier Journal, Dec. 8, 1968.

49. These programs were identified in a phone interview with the Catholic School Superintendent of the Portland Diocese.

50. Louisville Courier Journal, Dec. 8, 1968

51. North Eastern Report, 2d Series, p. 258.

52. "Sharing of Resources by Public Schools With Nonpublic Schools," National Education Association, Research Division, National Education Association Research Bulletin XLV, (October, 1967), Pp. 90-92.

53. NEA, 1967, *op*. *cit*., p. 91

54. Gibbs, *op*. *cit*., p. 1

55. Rice, Arthur H., "Are Shared Facilities the Answer?" The Nation's Schools Vol. 69, No. 6,(June, 1962),p. 55.

56. Father Baker, who acts as the Director for the Interfaith Committee on Release Time, was interviewed in New York. He has been involved in religious education for more than twenty years and it was the Committee, which he leads, that was involved in the landmark *Zorach* decision of the U. S. Supreme Court.

57. Observation on the relative priorities given release time by Protestants and Catholics over the years were offered by Father Baker in his interview. (See the preceding note).

58. Information about the historical development of release time was gathered from a document provided by the Catholic Director of Confraternity of Christian Doctrine. The document is a chapter from a doctoral dissertation whose author is unknown.

59. Smith, Richard U., Christian Faith and Public School Learning, National Council of Churches, 1968.

60. Smith, Richard U., op. cit.

61. A Statistical Report on Catholic Elementary and Secondary Schools for the years 1967-68 to 1969-70. National Catholic Educational Association, Washington, D. C., 1970.

VOLUME III: CHAPTER IV

PART II: Case Studies of Local Cooperative Programs

The case studies are listed on the following page according to the type of local cooperative program in which each is primarily involved. Many cases, however, provide examples of several different types of programs. Educational arrangements in addition to the principal programs, are discussed in each case study under the heading, "Ancillary Programs."

CASE STUDIES

Case Number	School	Location
Dual Enrollment		
1	JFK-St. Paul	Chicago, Illinois
2	Cherry Hill/St. Norberts	Inkster, Michigan
3	Sioux Falls: Hawthorne/St. Joseph	Sioux Falls, South Dakota
4	Rogers/Marquette	Michigan City, Indiana
5	Gainesville/Christian Education Center	Gainesville, Georgia
6	Centerline/St. Clements	Centerline, Michigan
Dual Enrollment in Reverse - Leased Facilities		
7	Warren Consolidated/St. Anne's	Warren, Michigan
8	Marlborough/St. Ann's	Marlborough, Massachusetts
9	Louisville/Several schools	Louisville, Kentucky
10	Shawnee/Flaget	Louisville, Kentucky
11	Haubstadt/St. Peter & Paul	Haubstadt, Indiana
	Fort Branch/Holy Cross	Fort Branch, Indiana
12	Saginaw/Britton System	Saginaw, Michigan
13	Warwick/St Clements	Boonsville, Indiana
Dual Enrollment in Reverse with Leased Services		
14	Gibralter/St. Mary's	Rockwood, Michigan
15	Fitzgerald/St Mark's	Warren, Michigan
16	Rutland/Christ the King and St. Peter's	Rutland, Vermont
Leased Facilities		
17	Ferdinand/St. Ferdinand	Ferdinand, Indiana
18	Jasper/St. Joseph	Jasper, Indiana
19	Illinois - Amboy	Illinois
Release Time		
20	Brooklyn, New York St. Athenaesus St. Ambrose Immaculate Heart	Brooklyn, New York

Case Number	School	Location
Release Time, Cont'd.		
21	Sioux Falls/St. Joseph's	Sioux Falls, South Dakota
22	Mt. Anthony High School Bennington Religious Education Foundation	Bennington, Vermont
23	Union High School Northwest Interfaith Council	Swanton, Vermont
24	Our Lady Queen of all Saints	Fraser, Michigan

CASE STUDY ONE*

Partnership and Dual Enrollment

Chicago, Illinois

John F. Kennedy High School

and

St. Paul's High School

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*This case study was prepared by Mr. John A. Rohr of the Midwest Administration Center, the University of Chicago. Mr. Rohr prefers the term "shared time" over "dual enrollment"; and employs this term throughout this paper.

Shared Time

Chicago, Illinois

Overview

In Chicago's southwest side, four hundred and fifty-eight students spend half their school day in a public high school and half their day in a Catholic school. The freshmen and sophomores spend their mornings at St. Paul's High School while the juniors and seniors attend John F. Kennedy High School, three blocks away. In the afternoon session, the positions are reversed. In referring to the two schools simultaneously, the abbreviation KSP will be used for Kennedy-St. Paul. The abbreviation ST will denote the term shared time.

Background

History

The KSP program had its origins in a request to the Chicago Board of Education from a group of Catholic parents for a ST arrangement with a new public high school the Board had planned for the southwest side of Chicago. The Board had authorized a contract for the construction of the John H. Kinzie High School in August 1963. The Catholic parents made their request as soon as the site of the new school was announced. The Superintendent of the Archdiocesan school system proposed the construction of a small Catholic high school within walking distance of the new public school. The Catholic school would be used only for ST students. The physical aspects of the Catholic school would reflect its limited purposes -- e.g., there would be no science labs or athletic facilities.

The Chicago Board of Education took up the Archdiocesan proposal in November and directed the General Superintendent to review the request and submitted a report to the Board. In the meantime the topic was intensely debated throughout the Chicago area. In February of 1964 the General Superintendent submitted his report in which he recommended that the Board take no further action until interested citizens had a chance to air their views of ST. The following month the Board heard the statements of forty citizens and organizations. The testimony was supplemented by statements from N.L. Hutson, Legal Advisor for the State Superintendent of Public Instruction, Francis Keppel, U.S. Commissioner of Education, and the Board's own attorney. Finally, on 23 April 1964 the Chicago Board of Education approved an experimental ST program to begin in September 1965 and not to extend beyond the academic year 1968-69. In granting its approval, however, the Board acknowledged that

> because there are people interested in the Chicago public schools who are fearful that the experimental program may be in violation of such statutes or constitutions, the Board will welcome the filing of a test case by such persons and in the event such a test case is filed, it will be the policy of the Board of Education to promptly respond thereto and to cooperate to the maximum extent for an early hearing, disposition and determination of any issues raised in such a test case.[1]

Almost immediately a complaint was filed in the Circuit Court of Cook County to enjoin the Board from proceeding with the ST program.[2] The complaint was dismissed in January, 1965. The dismissal was upheld by the Illinois Appellate Court in February of the following year.

The two new schools were organized rapidly. The name of the public school was changed from Kinzie to John F. Kennedy. In February, 1965, Miss Dorothy Sauer was appointed Kennedy's first principal and by June of that year construction had been completed. The Archdiocese appointed a principal and assistant principal of St. Paul's in the fall of 1964. Brother Terrence and Sister Dorothy, the new appointees, spent the better part of the 1964-65 year visiting nearby Catholic elementary schools to recruit students for St. Paul's. During this time Miss Sauer and Brother Terrence conferred frequently to discuss the administrative details of the ST program. By September, 1965, a freshman class had been organized and the physical plant was sufficiently completed for St. Paul's to open its doors.

The Arrangement

The KSP program began in accordance with the following guidelines issued by the Board of Education:

Students under the dual enrollment

- shall be accepted only upon the written request of a parent or legal guardian

- shall conform to all rules and regulations established by the Board of Education and by the school except that their total academic load in the Kennedy High School will be reduced by the school subjects carried in the nonpublic school
- shall be assigned to class schedules in accordance with the plan worked out by the principal of the school
- shall be assigned to a school division and school counselor on the same basis as pupils in full-time attendance.
- shall meet the high school graduation requirements of the Chicago Public Schools, including those in relation to required subjects and sequence, and shall receive a diploma issued by the Chicago Board of Education.
- shall be offered all subjects available to pupils in full time attendance except those indicated in the following item
- shall receive credit towards graduation for English, social studies, music, and art taken in the nonpublic school if such courses are approved by the North Central Association (when the nonpublic school meets the necessary requirement of a four year program) and by the State Department of Public Instruction.

- shall follow Chicago public school courses of study and utilize Chicago public school textbooks for all courses taken at John F. Kennedy High School shall be considered members of the John F. Kennedy High School with respect to athletic eligibility.[3]

Once the original freshman class had been organized, a pre-registration system was established for the future. ST students pre-register during their last year of elementary school. St. Paul's then notifies Kennedy of the number of ST students to expect the following year. The pre-registered students go to Kennedy to select their courses for the following year.[4]

Administrative Policy

To provide the reader with a clearer understanding of the day-to-day administration of the KSP, we have incorporated a pertinent passage from the Redmond Report, an exhaustive study of the KSP program.[5] The quotation that follows is admittedly somewhat lengthy by the reader's perseverance will be reqarded with a wealth of detail that will give him a solid grasp of the mechanics of ST.

> ### Subject Selection
>
> The subjects which the shared-time students were to take at St. Paul's High School were recommended initially by the General Superintendent of the Chicago Public Schools and by the Superintendent of the Schools of the Archdiocese of Chicago. This initial selection was approved by the Chicago Board of Education and included English, social studies, religion, art and music. Shortly before the program began, however, the St. Paul staff indicated that it would not be possible

to include art and music in the St. Paul curriculum, and requested that the shared-time students take these subjects at Kennedy High School.

Curriculum

The shared-time students must meet the graduation requirements of Kennedy High School. Therefore, in addition to the four years of English and social studies, which are the only subjects they take at St. Paul's High School other than religion, they take two years of mathematics and one year of science or two years of science and one year of mathematics at Kennedy. In addition to taking the required mathematics and science, the students elect another major for two years or they may take mathematics or science for a third year to fulfill their sequence requirements for graduation. In addition to carrying two major subjects at Kennedy, the shared-time students also take one year of required art, and one year of required music and four years of physical education.

There is no official exchange of curriculum guides or instructional programs between Kennedy and St. Paul's Both principals indicate, however, that efforts have been made by both schools to maintain approximately the same developmental sequence within the English and social studies programs. There are no combined faculty meetings or joint departmental conferences. The students receive public school textbooks for the subjects they take at Kennedy High School and purchase textbooks for the subjects they take at St. Paul's High School.

Placement in Classes

The shared-time students are tested at Kennedy High School during the ninth and eleventh grades in accordance with the testing patterns of the Chicago Public Schools. They are placed in classes of the appropriate level at Kennedy on the same basis as full-time students. At St. Paul's High School the students are initially placed in classes of the appropriate level on the basis of their scores on the high school admissions tests administered by St. Paul's during the eighth grade in elementary school. Adjustments are made subsequently on the basis of grades and achievement.

Programming

The two hundred and fifty-five freshmen enrolled during the first year of the shared time program were divided into two groups, one attending St. Paul's in the morning and Kennedy in the afternoon and the other attending Kennedy in the morning and St. Paul's in the afternoon. In subsequent years, the shared-time students were divided by class. For example, during the current school year, the freshmen and sophomores attend St. Paul's in the morning and the juniors and seniors attend St. Paul's in the afternoon. Students move between the two schools for classes only once each day.

During the Spring of each year, the administrative staffs of the two schools determine the general time schedule for the shared time students in accordance with the needs of each school. Each school then programs the students into classes during the time they are assigned to its building.

All of the shared-time students are assigned to homerooms in both schools. Initially, the shared-time students were grouped together in homerooms at Kennedy, but now they are, generally, integrated with full-time students. The number of shared-time students enrolled in any single class at Kennedy is controlled by the administration to insure that the students are integrated with full-time students for instructional purposes.

Special Services

The shared-time students receive the same special services at Kennedy High School that the full-time students receive. The services of the teacher nurse, speech correctionist, psychologist, and other auxillary staff are available to them on the same basis as they are available to full-time students. The shared-time students are assigned to counselors and are tested in the same manner as regular Chicago High School students. The counselors do not have official information concerning the shared-time students' adjustment or behavior at St. Paul's High School. They do, of course, have access to the students' grades at St. Paul's High School, but they do not receive progress repor s from the non-public school. The principals feel, however, that the public school counselors are aware, through the interviews with the students, of their progress at St. Paul's.

St. Paul's High School does not have a full-time guidance counselor on its staff, but the principal and assitant principal conduct counseling interviews with the students. In addition, the students may request a conference at any time with any member of the St. Paul faculty by making a request on special office forms through the assistant principal. St. Paul's sends academic progress cards to the parents of all of the shared time students every three weeks. These cards are the basis for academic conferences, and a constant counseling process is maintained in this way.

Grading

Both Kennedy and St. Paul's use letter grades to record student progress. During the first year of the shared-time program, the grading periods at the two schools did not coincide, and the students received marks at different times during the year. This difference in grading periods caused some problems in determining athletic eligibility for participation in the inter-scholastic program at Kennedy, and after the first year, St. Paul's adjusted its grading periods to conform to the Kennedy marking intervals.

The shared-time students receive their grades in the subjects they take at Kennedy in a regular public school course book and their grades in their St. Paul subjects on a data processing form used by the Catholic high school. The Kennedy course book does not include the Kennedy grades. However, the grades earned at both schools are computed in the students' Kennedy grade point averages and determine class rank.

Transfer of Credit

Since the shared-time students receive their diplomas from Kennedy High School and are officially graduated from the public school, the grades earned at St. Paul's are transferred to Kennedy. The transfer of credits occurs at the end of each school year, and the St. Paul grades, except for religion, are posted on the students' permanent record cards which are maintained at Kennedy. This posting of grades is done by the Kennedy counselors. The subjects and grades are asterisked and identified as having been earned at St. Paul's High School.

Failures

The shared-time students who fail English or social studies at St. Paul's High School are required to make up the failures in summer school. If they fail religion, they are required to make it up during the following school year at St. Paul's. The Catholic school attempts to notify Kennedy as far in advance as possible of the probable academic failures so that the students may be programmed for summer school.

Character or Personality Traits

Shared-time students are evaluated in character and personality development at both schools. Kennedy teachers use the four category scale common to all Chicago public high schools: character, dependability, leadership, and service. St. Paul's uses an eight category scale: appearance, leadership, courtesy, loyalty, sociability, cooperation, dependability, and effort.

In each school, students are marked by their teachers as above average, average, or below average in each of these categories. No exchange of these ratings is made between Kennedy and St. Paul's, but each staff keeps a permanent record of the character trait ratings which are given.

Discipline

Serious discipline problems are discussed informally between the staffs of the two schools. No provision is made for the official exchange of this information except that if a student is suspended from Kennedy High School, he is also suspended from St. Paul's High School. St. Paul's does not use suspension as a disciplinary technique, and thus the reverse procedure does not apply.

Extra-Curricular Activities

Shared time students participate in extra-curricular activities at both schools. The extra-curricular program at Kennedy is extensive and includes the interscholastic athletic program in which interested shared-time students participate. The Catholic high school has a student council, newspaper, yearbook, choir, and service club.

Movement of Students Between the Two Schools

As indicated previously, the shared-time students divide their day between the public school and the non-public school. A twenty minute period is built into the schedules for the three block walk between the two schools. Students have their lunch at Kennedy either before or after their moving to classes at St. Paul's.

Individual class schedules determine the flow of students between the two schools. At the present time freshmen and sophomores have classes at St. Paul's in the morning and move to Kennedy for afternoon classes. The juniors and seniors have morning classes at Kenneday and afternoon classes at St. Paul's but arrive at St. Paul's at different times, depending on their morning schedules at Kennedy.

The students move between the two schools on an independent basis, without supervision. The staffs at both schools indicate that there have been no problems in relation to the exchange procedure.

Special Regulations and Procedures

Shared-time students are subject to the same rules and regulations as full-time Kennedy High School students except that while they are in Kennedy High School there is a prohibition against the wearing of any identification from St. Paul's High School.

On days when there is a special bell schedule at Kennedy because of an assembly or some other activity, St. Paul's High School adjusts its schedule to conform to the Kennedy schedule. St. Paul's receives a copy of the Kennedy calendar, and the St. Paul staff is notified as far in advance as possible of any non-scheduled deviation.[6]

EVALUATION

After the KSP program had been in effect for four years a formal evaluation was made comparing the ST graduates and the full-time public school graduates. The results indicated that the ST students suffered no harm by participating in the experimental program. These students were found to have taken more college preparatory courses and to have received higher grades. One reason for the better showing of the ST students, however, was the fact that many of those who transferred out of the ST program into full-time Kennedy enrollment tended to be less gifted students. Their transfer helped the profile of the ST student in comparison with the full-time Kennedy student. Even if one bears this caveat in mind, the performance of the ST graduate compared favorably with that of his full-time Kennedy counterpart.

In May of 1969 another evaluation of the KSP program was made. Detailed questionnaires were sent to parents, teachers, students, and administrators. The results indicated attitudes that were overwhelmingly positive and often enthusiastic.

A less formal evaluation of the successful outcome of six years of ST and KSP was provided in a CBS-TV report shown throughout the greater Chicago area in March, 1971. The report was one of a series of TV programs on educational developments in the Chicago area.[7] The report reviewed briefly some impressive educational innovations emphasized at St. Paul's and then concentrated on a panel discussion evaluating ST. The panelists included two administrators from St. Paul's, one administrator from Kennedy, two St. Paul's students and the father of a St. Paul student. The panelists' satisfaction with the program was so great that the discussion leader, Dr. Paul French of Lewis College, was unsuccessful in his attempt to stir up some controversy among the panelists. Finally, he exclaimed, "Well there must be some problems you have encountered in setting up this program." The panelists commented briefly on some scheduling difficulties before resuming their paeans to KSP.

In addition to the satisfaction of the panelists one can point to the favorable reaction of the Chicago Board of Education and the Archdiocese of Chicago. The final paragraph of the "Redmond Report," an exhaustive study of the KSP program, made the following recommendation to the Chicago Board of Education:

> It is recommended, therefore, that the Board of Education authorize the continuation of the Kennedy-St. Paul shared time program, contingent upon the desire of the appropriate St. Paul's High School authorities to extend the program. It is recommended, also, that the findings of the evaluation be utilized as a basis for planning should additional shared-time programs at the high school level be considered.[8]

A memorandum from a director of the Archdiocesan School Board to Cardinal Cody made a similar recommendation with the significant addition that the Archdioceses should cover any deficit incurred by the ST program.[9]

Analysis

Shared time

The case study of the KSP has, hopefully, given the reader an awareness of how ST works in practice. The highly successful program at KSP was selected to call the reader's attention to the many advantages of ST. It will come as no surprise that not all ST programs have been similarly blessed. Two other ST programs, for example, were established in Chicago about the time the KSP experiment got underway.[10] Both have been terminated. In the Joiet area, six Catholic elementary schools have enrolled their seventh and eighth grade students in ST programs. One of the six closed and two have withdrawn from the program. Another school will withdraw at the end of the current academic year. A fifth school has restricted the program to the eighth grade alone. Only one of the original six schools has continued the ST program as originally planned.[11] The Joliet diocese school superintendent was quite emphatic in voicing his disenchantment with ST. He acknowledged that the program had helped somehwat financially but he wondered if the inconvenience of ST was worth the little money it had saved.

Problems of Shared Time

The withdrawal of the three parochial schools from the program illustrates some typical problems of ST. In one case the public school adopted a twelve month schedule -- a policy the Catholic school could not or would not follow. A public school is certainly justified in adopting any schedule it desires but the problem for the parochial school is that it is at the mercy of the public school's administration in such matters. In the KSP program it would be almost unthinkable for Kennedy to adopt such a schedule without consulting St. Paul's. This is not due to the nature of ST but the close personal relationship that exists (and always has existed) between the administrators of Kennedy and St. Paul's. The relationship between the parochial and public school administrators in the Joliet area seemed to be cordial but certainly lacked the warmth that characterized KSP. To the extent that a successful ST program relies on close personal relationships, its value as public policy is questionable. Sound public policy needs a more solid foundation that the shifting sands of personal whims; it can rest more firmly on the impersonal character of rights and duties. Hopefully, warm interpersonal relationships will airse within a formal juridical structure but such relationships should never take precedence over the legal structure itself. This, of course, is precisely what is meant by a government of laws and not of men.

A second Catholic school withdrew from ST when its public counterpart was transferred to another school district. The new school district was not interested in continuing the program and simply informed the parochial school of its decision. Once again, closer personal relations among the officials concerned might have saved the program. Unfortunately, the schools in question did not have the good fortune of starting and growing together as KSP had done. This singular advantage of KSP cannot be overlooked in determining what it has succeeded where others have failed. There is nothing supprising in finding that two schools will be more successful in running a ST program than two schools that have been in existence for some time. The latter will have developed their own traditions that will resist change whereas the former are literally "made for each other."

The third school to withdraw did so because of parental dissatisfaction with ST. Some parents felt their children were developing "divided loyalties." Others said the public school discriminated against the ST students, while still others felt some public school teachers were attempting to recruit the children into full-time public school enrollment. Had the relationship between the administrations of the two schools been more open and relaxed, these difficulties might have been discussed frankly and eventually overcome. Not only were such discussions not forthcoming but, for our purposes, of greater significance is the fact that public policy can do little to create the kind of atmosphere that would encourage such discussions. Without this atmostphere ST operates under a serious handicap. A prudent recognition of the limitations of what can be accomplished by law would seem to suggest that ST be employed on a highly selective basis -- i.e., only in those communities where circumstances would warrant a reasonable expectation that both public and private schools and the community at large have an abiding interest in the success of the program.

In suggesting that sound personal relationships accounted at least in part for the success of KSP, we have relied heavily on the role played by William Keenan, an Assistant principal at Kennedy. One of his major tasks was to insure smooth relations between the schools. In an operation as large as the KSP experiment it is feasible for the public school to make the supervision of ST a major responsibility of one of its staff. This could not be done in smaller schools because of the limited number of staff members. The official supervising ST would be forced to look upon it as one of many responsibilities. This did not seem to be the case with Keenan. Although he had other responsibilities, it was obvious that he was deeply committed to the success of the ST program. The fact that Keenan is a Catholic and had attended parochial schools certainly did the program no harm. He spoke with genuine warmth and affection for the contribution the brothers and sisters at St. Paul's have made to the community at large. In Keenan St. Paul's had a sympathetic friend within the Kennedy administration. The absence of such a person in the Joliet schools would seem to have contributed to the unhappiness with ST in that area.

The presence of a man like Keenan is surely a cause for rejoicing at St. Paul's but his effectiveness raises some serious questions for those who look upon ST as a panacea. The first question concerns the viability of ST programs less ambitious than KSP where the public school will be unable to appoint a "Mr. ST" -- a man who identifies with the program and is committed to its success. Even where such a man can be appointed, there is no guarantee that he will bring to his job the fortunate qualities of William Keenan. We are not ready for Boards of Education to specify that the ST liaison must be (1) of the same religion as the nonpublic school children, (2) an alumnus of that religious school system, and (3) a profound admirer of the religious administrators of the nonpublic school.

Detrimental Effect of ST

The final point to be considered in this analysis is the decline in enrollment in ST programs -- i.e., the tendency of ST students to leave the nonpublic school and become full-time public school students. The Joliet experience provides a dramatic example of this tendency. A glance at Appendix 1 reveals the dimensions of the problem.[12] Consider the graduating class of 1970 at St. Alexis. These students were in the sixth grade the year before the ST program began. There were sixty-one students in the class. When they entered the seventh grade their number was reduced to thirty-two and as eighth graders they numbered only twenty-six. The class of 1971 fared no better. As sixth graders -- their last year of full-time parochial schooling -- they were fifty-eight in number. As seventh graders they were twenty-seven and only twenty-two graduated. This decline in enrollment cannot be dismissed as simply part of a general decline in attendance at parochial schools. That there was such a general decline is undoubtedly true but the decline is so sharp between the sixth and seventh grades that we must look for a special cause to explain this recurring phenomenon. The fact that ST was introduced at the seventh grade level at all these schools suggests a powerful prima facie argument that ST is a cause of the declining enrollment in parochial schools in the Joliet area.[13]

Interviews in the Joliet area substantiate this argument. Parents complained of the time and distance involved in the daily transfer from one school to another. (Significantly, St. Mary's, the one school in the Joliet area where the enrollment has not declined, is only five minutes away from the local public school.) The parents were particularly concerned about the lack of supervision of the children as they changed schools in the middle of the day. Others resented paying tuition when their children were getting only a partial Catholic education. Still others complained that the children were bothered by "divided loyalties."

The decline in enrollment is not confined to the Joliet area. The programs involving Luther North and the Chicago Jewish Academy did not exist long enough to render any meaningful figures on enrollment but figures from KSP are quite instructive.[14] The present total enrollment is 458 (See Appendix 2). This figure represents an increase of twenty-six over the June, 1970, enrollment of 432 but a decrease of of seventy-seven from the all-time high of 535 in 1968-69. The extent of the decline is seen more clearly when one compares the 1970 enrollment (432), which represents four classes, with the 1965-66 enrollment of 255 representing only the freshman class. Of these 255 freshmen only 140 stayed with the ST program until graduation -- i.e., 46% dropped out!

Conclusions

These figures take on considerable significance when we recall the wide-spread acclaim for the KSP experiment. In the eyes of students, teachers, parents, and administrators it was extremely successful. Let us recall some of the elements that contributed to this success. There was the fact that both schools started together. Neither had a life of its own before ST. Indeed, St. Paul's physical plant reflected its character as an ST school. There was the key role played by William Keenan, a man who seemed ideally suited for his liaison tasks. The surrounding community is predominantly Roman Catholic -- a factor that led to considerable community support for the project. St. Paul's was blessed with an enlightened administration that went out of its way to provide services for the community at large -- e.g., a film seminar for parents, dances for neighborhood youngsters, and a tutoring program for under-privileged children. In a word, the KSP experiment proved to be all that reasonable men could expect in this imperfect world.

Nevertheless, 46% of the original ST students dropped out. This consideration should temper the enthusiasm of those who see in ST a panacea for the woes of the nonpublic school. Perhaps ST should not be looked upon as anything more than a useful expedient for keeping nonpublic schools alive until a more satisfactory financing system can be developed. The dramatic decline in enrollment -- even under the most favorable conditions -- suggests that in the long run ST is simply a way of easing the nonpublic school out of existence. With ST they will go out with a whimper instead of a bang.

Footnotes

1) Redmond, James F., An Evaluation in Shared Time: A Report to the Chicago Board of Education, (June, 1969) Ch.II passim. Heareafter, this report will be called the Redmond Report.

2) Morton vs. Board of Education 69 Ill. App. 2d 38, p. 42.

3) Redmond, op.cit, pp. 17-18

4) For details of KSP enrollment see Appendix 1.

5) Redmond, op.cit., pp. 25-30.

6) Ibid., pp. 23-30

7) I am grateful to Mssrs. Lou Ameel and Charles Ganzer of CBS-TV, Chicago for kindly arranging for me a private viewing of this program.

8) Redmond, op.cit., p. 159.

9) I am grateful to Reverend Thaddeus J. O'Brien, O.C., and Reverend John Kurak of the Chicago Archdiocesan School Board Office for making available inter-office communications on ST.

10) Redmond, op.cit., pp. 2-3

11) I am grateful to Reverend Niles J. Gillen for pertinent information concerning these schools. See note 2, above.

12) The reader is again reminded that in the Joliet area only the seventh and eighth grades participated in ST.

13) There was some speculation that the decline in numbers in grades one through six might also have been due to ST. The reasoning is that some parents may have felt they should transfer their children to public school as soon as possible since they would have to spend at least one-half of their seventh and eighth grades there anyway.

14) cf. Appendix 1.

Appendix 1

Enrollment Trends For Six Shared Time Programs In The Joliet Area

Dual Enrollment

Appendix 1

		1	2	3	4	5	6	7	8	T
1) St. Liborius, Steger										
	1968-69	24	32	29	29	34	31	26	31	236
Began - ST	1969-70	26	27	35	29	30	32	31	25	235
	1970-71	29	23	23	25	24	26	18	25	193
will continue 8th grade only	1971-72									
2) St. Mary, Mokena										
	1967-68	55	52	55	52	46	40	39	42	381
Began - ST	1968-69	52	52	53	55	48	45	35	40	380
	1969-70	44	51	48	53	57	48	41	38	380
	1970-71	49	39	48	47	53	54	53	40	383
will continue	1971-72									
3) St. Alexis, Bensenville										
	1967-68	74	77	80	76	72	61	54	73	567
Began - ST	1968-69	58	58	54	56	51	58	32	38	404
	1969-70	35	55	56	53	47	52	27	26	351
	1970-71	52	40	43	48	49	44	31	22	329
will end	1971-72									
4) St. Irene, Warrenville										
	1966-67	47	47	45	35	40	29	35	30	308
Began - ST	1967-68	32	40	45	33	29	29	18	30	256
	1968-69	36	29	35	35	29	24	16	13	210
Ended	1969-70	32	33	27	35	34	27	-	-	188
	1970-71									
5) St. Andres, Romeoville										
	1966-67	96	84	83	77	59	35	44	32	510
Began - ST	1967-68	75	79	71	72	69	50	22	29	467
	1968-69	60	73	71	69	66	60	27	12	438
Ended	1969-70	57	52	65	62	60	55	42	22	415
	1970-71	69	49	41	54	56	46	40	33	388
6) Our Lady Academy, Manteno										
	1966-67	16	27	21	21	26	27	18	26	182
Began - ST	1967-68	23	20	25	20	18	22	21	13	162
Ended	1968-69	School Closed								

Appendix 2

Enrollment Data For
KSP By School and By Grade Level
From 1965-66 to 1970-71

Enrollment Characteristics for KSP

	Freshmen		Sophomores		Juniors		Seniors	
	St.P	JFK	St.P	JFK	St.P	JFK	St.P	JFK
1965-66	255	898	-	815	-	589	-	-
1966-67	217	835	191	775	-	735	-	526
1967-68	170	814	154	785	163	764	-	642
1968-69	150	894	131	822	114	772	140	682
1969-70	118	899	120	878	104	775	90	682
1970-71	141	825	118	822	111	757	88	648

Total Enrollment

	St. Paul Part-time	JFK Full-time	Total JFK
1965-66	255	2277	2532
1966-67	398	2881	3279
1967-68	487	3005	3492
1968-69	535	3170	3705
1969-70	432	3250	3682(incl.16 EMH)
1970-71	458	3085	3543(incl.33 EMH)

CASE STUDY TWO

Dual Enrollment

Cherry Hill School District
and
St. Norberts Parish

Inkster, Michigan

Overview

One of the oldest and most revered dual enrollment programs in the Country is located in the Cherry Hill School District of Inkster, Michigan. The program began in 1963 with 180 seventh and eighth grade students taking half their courses at the John Hill public school and the other half at St. Norbert's Catholic School. In 1966-67 the program began to add one grade per year so that in 1969-70, grades seven through twelve were participating in the program. In 1969, the parish opened a new high school for its dual enrolled students. The facility was construct explicidly for dual enrollment purposes. This high school has received extensive publicity for several years. Every major study of dual enrollment describes the high school program and numerous articles have been written about the program. Our case study suggests that this publicity was overdone and in some cases misleading. With hindsight such extensive coverage seems inappropriate. Cherry Hill was held up as an example, a model, of how an outstanding program could operate. We feel it better examplifies the inherent weaknesses of dual enrollment.

The program has collaspsed under its own weight and will close in June.

We are not going to replicate the literature which adequately describes the development and operation of the program. A brief synopsis of the program's operation along with several references is contianed in Appendices 1 and 2. Our purpose rather will be to examine the various factors which contributed to the failure and demise of the program.

Background

Contrary to the impression often given in the literature (i.e. Friedlander, 1966), the Cherry Hill Program was never highly successful. It operated efficiently but its existence was always marginal, it always existed on a year to year basis. Its major problems were the availability of sisters to teach in St. Norberts, enrollment trends and characteristics, and finances.

The program began because St. Norbert's elementary school was experiencing financial difficulties. The basic problem, the pastor recalls, was that several nuns had left the school and the salaries of lay people needed to replace them. This became a burden to the parish. The pastor mentioned his plight to a most friendly and receptive public school superintendent, C.P. Titus, who suggested the idea of dual enrollment as a possible solution to the pastor's problem. A program was planned and in September, 1963, 180 seventh and eight grade students began at St. Norberts and John Hill. (For details of the planning see references in Appendix 2).

In 1966, the program began expanding into the high school years and in 1969 the parish opened St. Norbert's High School.

The school was built as a dual enrollment facility. It is a simple structure with four classrooms and an office area. Pupils were expected to use the cafeteria, library, laboratories and other extra curricular facilities in the public school. Expanding the program to include a high school appears to have been a serious error. The dual enrollment program began in main part because there were not enough sisters to teach in the elementary school. The addition of a high school, albeit a half time program, further increased the demand for sisters while at the same time, the new building cost the parish $180,000.

The Sisters

The new high school required a staff of five: four teachers and one administrator. St. Norbert's parish council had the pledge of the Adrain Dominican sisters to provide the entire staff. The sisters were never able to keep their pledge. Declines in the number of vocations coupled with sisters leaving the Order made it impossible for the sisters to honor their committment. Each year as the dual enrollment program added a new grade, an additional sister was assigned to the school. The supply of sisters did not keep pace with the grade addition. This is shown in Table 1.

Table 1

Actual V. Anticipate Religious
Teaching Staff

Year	Actual	Anticipate
1966-67	2	2
1967-68	2	3
1968-69	4	4
1969-70	4	5
1970-71	2	5

In 1970-71, the staff includes two sisters and three lay teachers. The sisters recieve a wage of $2,750 per year, the lay people an average of $7,300 a year. The total expenditure for salaries for the year was $27,400. If the staff had developed as planned and included five sisters, the yearly salary expense would be $13,750. The dearth of sisters cost the parish $13,650 this year, almost 100% more than was anticipated.

Enrollment

The high school was built to enroll 280 students. When it opened in 1969, 180 students attended. This present year, 210 youngsters are enolled. On May 1, 1971, the cut off date for enrolling in next years program, only 120 students had registered. A court case testing the legality of the program clearly accounts for this rapid decline in enrollment. Many parents enrolled their children in the public schools because St. Norbert's would have had to close if the court handed down an adverse ruling. In May of this year, the State Supreme Court declared that the program was constitutional and could continue to operate. But the damage had been down and the minescule enrollment became another critical factor in the decision to close the school.

The single administrative difficulty faced by the Cherry Hill Program is the fact that the parish boundaries and the boundaries for the school district are not coterminous. Almost half the students at St. Norbert's came from Inkster and Westwood School District. Such students could normally not enroll in the Cherry Hill School District but the school board has reversed their usual policy which excludes nonresidents from their schools for out of district students enrolled in St. Norbert's. The state education department does pay a supplemental tuition fee to the Cherry Hill District in partial payment for these out of District students. The state payment does not, however, defray the total cost of enrolling such students. This problem was becoming so serious that in 1968 a clause was inserted into the Cherry Hill-St. Norbert's agreement which read, "a minimum of fifty percent of the students participating in the program must be residents of the Cherry Hill School District."

This difficulty is now further complicated because the Governor has not included a provision for supplemental tuition in his propossed legislation for next year. Without such a provision, the parents or the school of a nonresident student dually enrolled in Cherry Hill would have to pay a tuition fee of $600.00. This provided another nail for the programs coffin.

Finances

St. Norbert's parish spent $127,000 in operating its dual enrollment high school in 1969-70. This included salaries, supplies, equipment and overhead. The 1970-71 budget will reflect the additional expense of two lay teachers. Revenue to support the program comes from three sources: (1) tuition; (2) a Foundation Grand and (3) the parish.

Tuition at St. Norbert's until 1969-70 was $50 for one student, $75 for a family with two or more children enrolled in the school, and $100 for a child from outside the parish. In 1969-70, the scale was increased to $75, $100 and $125. Maximum tuition revenue would be collected if (1) the school enrolled its total capacity of 280 students and (2) half the students were from outside the district and the other half came from families with two or more children enrolled. Even in this hypothetical situation and using the 1969-70 tuition scale, only $31,500 would be collected. This ideal situation has never even been closely approximated.

The enrollment for 1971-72, 120 under optimal conditions could generate $13,500 at most. Clearly, tuition revenue can hardly hold up against operating expenses of more than $127,000.

A second source of income is a $10,000 grant from the Ford Foundation. While this certainly offers assistance, combining it with tuition revenue still leaves the parish in need of more than $100,000 if the high school is to remain open. The parish did not feel it could afford this expense.

Conclusion

St. Norbert's High School would cost the parish more than $100,000 to operate in 1971-72. In addition, if the state does not include a provision for supplemental tuition, each parent or the parish would have to pay more than $600 per student to the Cherry Hill School District to support the half time public school program. Such financial considerations are out of the question and St. Norbert's will close this June.

The Cherry Hill Program has been extensively used as an example of a highly successful program. It serves better, we believe, to exemplify the misconception and pitfalls of dual enrollment. Cherry Hill was a well organized plan, the mechanics of the program were carefully established and operated smoothly. But the program could never combat the basic problems facing St. Norbert's school, the parish never had enough sisters, never had enough students, never had enough in the way of voluntary contributions to assure the program success. Dual enrollment could do nothing to improve these conditions. At best, it provided public school staff services to parochial school students. With a certain inevitability, the conditions that in 1963 necessated a dual enrollment program in the junior high, brought to an end what can only be described as the ill fated high school program. A final decision on the operation of the junior high school program has not yet been made, but there are serious doubts that it will open in September, 1971. The public school will absorb the students from St. Norbert's with no difficulty whatsoever.

The lesson of Cherry Hill is one of inevitability. The wheels ground slowly, but they ground the program into oblivion.

APPENDIX 1

A Synopsis of the Cherry Hill-St. Norbert's Dual Enrollment Program

The Cherry Hill Program in Brief

Some of the early developments of the program are described in the case study. This synopsis includes information on the highlights of the program. For a detailed description of all of the program, the reader should examine the references in Appendix 2.

Enrollment

In 1970-71, the dual enrollment program in Cherry Hill involved 345 students. One-hundred and thirty-five were enrolled in grades seven and eight, and two hundred and ten at the high school level.

Schedule

Half of the students of St. Norbert's High School attend class in that facility from 7:50 A.M. until 10:50 A.M. At that time, they walk three quarters of a mile to John Hill High School where they eat lunch and then take classes from 11:05 A.M. to 2:45 P.M. The other half of the Catholic students study at John Hill from 8:00 A.M. to 11:05 A.M., have lunch in the public school cafeteria, and take classes from 11:50 A.M. to 2:30 P.M. at St. Norbert's.

Courses

At John Hill, the students' courses can include music, art, shop, industrial arts, business education, modern languages, mathematics and science. At St. Norbert's students study English, speech, social studies, health and religion.

Approval, Legality and Finances

The Cherry Hill School Board first approved the program in September of 1963. Also, in 1963, the State Attorney General ruled that the Cherry Hill School District could receive a pro-rata amount of state aid for dually enrolled students.

The State Supreme Court ruled in May of 1971, that the Cherry Hill Program was legal. The entire cost of the program is born by the Catholic school. This is discussed in the case study.

Administration Policy

The public school issues the students' report card. This includes the credit earned at St. Norbert's and a copy is sent to the Catholic school.

The students graduate from John Hill. Attendance is taken in both school at the beginning of both the morning and the afternoon sessions. The public school reports its absentees to St. Norbert's. Catholic school officials are responsible for checking on absent students.

Reactions

The reaction to the program has been most favorable. Public and nonpublic school officials have developed a friendly working relationship and many feel that the program has had a unifying effect on the community.

APPENDIX 2

Selected References to the Cherry Hill-St. Norbert's

Dual Enrollment Program

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CASE STUDY THREE

Dual Enrollment

Sioux Falls, South Dakota

DUAL ENROLLMENT

SIOUX FALLS, SOUTH DAKOTA

Overview

In Sioux Falls, South Dakota, over 300 Catholic school youngsters attend public school classes during part of their school day. At the grade school level the youngsters are involved in partnership, 50-50, dual enrollment programs. Catholic high school students, on the other hand, take only a limited number of specialized subjects in the public school. The program has an interesting legal history and serves as a lesson in the proper understanding of dual enrollment. The arrangement has been employed discreetly on a limited scale and those involved are cognizant of its inherent shortcomings.

Background

The Catholic Diocese of Sioux Falls includes the entire eastern half of South Dakota. The city itself is in the southeastern part of the state and has a population of about 70,000. Twenty-five to thirty percent of the city is Catholic; less than fifteen percent of the Diocese as a whole is Catholic. The predominant religion of the region is Lutheran.

Five parochial elementary schools and one Catholic high school operate in Sioux Falls. The Public School Board operates 21 elementary, 4 junior high, and 2 senior high schools.

A program of limited dual enrollment has operated in the high school grades for more than 10 years. The programs of particular interest in this study however, are the elementary school programs which have all begun within the past five years. The most interesting aspect of their development has been the resolution of the legal issues that surround their implementation.

Legal Background

On two different occasions the State Superintendent of Public Instruction has sought the opinion of the State Attorney General concerning various legal aspects of dual enrollment. In the summer of 1967, the superintendent requested an opinion on a factual situation he described as follows:

> "Dual enrollment sometimes referred to as shared time, part time enrollment, split time and reserved time is a school program wherein during the regular school day students of private or parochial schools attend some classes in public schools and some classes in the private or parochial school. It is practiced in Michigan, Ohio, Pennsylvania, Illinois, Wisconsin, Minnesota and other states. It has been practiced in South Dakota for many years.
>
> The Attorney General was asked to rule on the following eleven specific questions:

1. Is dual enrollment of a student in a public school and in a private or parochial school for a portion of the school day legal in South Dakota?
2. If dual enrollment is legal in South Dakota is it compulsory or optional with the school board of the public school?

3. Has a school district board the authority to determine the grades, subjects, classes, time schedule and entrance dates of such dual enrollment?

4. Can a school district board limit the number of dual enrolled students it will accept within a class: for example, may it determine that four additional students may enroll in section one of the chemistry class?

5. May a school district board admit students from a parochial school of one particular religious faith and refuse to admit students from a parochial school of another religious faith?

6. Can a school district board give preference to residents of the school district over nonresidents, or regularly enrolled resident or nonresident students over a dual enrolled student in making a determination as to the number of students the school can accommodate?

7. Must tuition for a nonresident dual enrolled student be the full daily legal rate provided by law or should it be prorated according to the portion of the day spent in the public school?

8. Must state aid for dual enrolled students be computed on the basis of a full day of membership or on the prorated portion of the day spent in the public school under the provisions of SDC 1960 Supp. 15.2246 as amended by Ch. 77, 1963, and as provided by Ch. 65, 1965 Session Laws. Does the "Average Daily Membership" as provided by SDC 1960 Suppl. 15.3305 apply in the application of the formulas for state aid in the statutes referred to in this question?

9. Is a resident dual enrolled student entitled to the same transportation privileges at school district expenses as other public school resident students?

10. May the State Board of Education establish policies relative to dual enrollment with which all school district boards must comply who wish to permit dual enrollment?

11. May a school district board establish policies in the absence of State Board of Education policies or in addition to State Board of Education policies with which a dual enrolled student must comply to show that such student is attending the public school for educational purposes and not as a subterfuge to obtain transportation privileges at school district expense?

In answer to question No. 1, the Attorney General ruled that based upon Constitutional provisions, prior Attorney General opinions and custom, dual enrollment was legal in South Dakota. In response to questions numbered 2, 3, 4, and 6, the opinion was that there is "limited justification for refusing dual enrollment of nonresidents." The response to question No. 5 was simply "No". Number 7 refers to prorating the daily legal tuition charged to other school districts for nonresident students and this was found to be "acceptable".

The legal ruling on prorated state aid for average daily membership, Question No. 8, made a distinction in the meanings of the term membership. The Attorney General wrote

> "that there are two types of membership.
>
> 1. Membership of a class or classes for a given period of time
> 2. Membership of a school.
>
> It is my opinion that membership of a school means attending such school on a full time basis and that membership of a class would be for less than full time and would therefore be the classification for a dual enrolled student.
>
> In answer to your question No. 8, it is my opinion that for the purposes of state aid under the provisions of SDC 1960 Suppl. 15.2246 as amended by Chapter 77, Session Laws of 1967, the term "average daily membership" means only those students who are members of the school on a full time basis. Therefore, all dual enrolled students should be excluded from the computations."

This represented a very serious set back to dual enrollment advocates for it meant that the local school board would receive no remuneration whatsoever for the expenses incurred in a dual enrollment program. This would certainly make school officials less willing to enter into such arrangements. The legal ruling on state aid for dual enrollment pupils was later reversed and in 1970-71 these students were figured into the computations of average daily membership for the public schools.

The second Attorney General's opinion came in February 1969. The Hawthorne public school needed additional classroom space and St. Joseph's parochial school right across the street had extra classrooms available. The South Dakota Superintendent of Public Instruction asked the advice of the Attorney General as to whether or not the Hawthorne school could ren the empty classrooms from St. Joseph's. The Attorney General replied that there were two salient principles: (1) the public school program must be under the management and direction of public school officials and (2) "the influence of the sectarian school upon the public school must be considered." The first condition could be met rather easily. Public school teachers would be the instructors and the Hawthorne school would administer the students' records. It would not be any different from a situation in which a crowded public school acquired mobile classrooms. The second condition--the influence of the sectarian school--is much more difficult to assess. It seems likely that children who spent several hours daily in a parochial school building would inevitably be subjected to some sectarian influence. Such influence might be quite sholesome but it might still conflict with South Dakota's constitutional provision that "no sectarian doctrine may be taught or inculcated in any public school of the state." The Attorney General felt it would be better if the public school children could attend the rented classrooms at a time when the parochial school was not in session. He quickly acknowledged that "the actual facts may require such policy cannot be followed." The "actual facts" probably would not warrant such a policy unless Hawthorne Elementary were about to start an evening division.

Catholic school officials had sought leasing arrangements because much of their classroom space laid fallow. Enrollments had been declining and a leasing program could very profitably be combined with the dual enrollment program that had already been established. The Attorney General's opinion precluded this possibility however.

The Programs

Four of the five Catholic elementary schools in Sioux Falls are involved in dual enrollment programs. These will be briefly described.and administrative procedures used in these programs will be explained.

Christ the King

Forty 6th grade students are dually enrolled in the public school. Next year the 5th grade will also take part in the program. Christ the King has not experienced any serious difficulties since the program began two years ago.

St. Therese's School

Little Flower School has engaged in a dual enrollment program with Whittier Junior High School for the past four years. The 7th and 8th grade students attend Whittier on a half day basis taking art, music, science, physical education and math. Little Flower provides instruction in other areas. Since the school is within walking distance, transportation has posed no problem. Thirty-seven students participate in this program. Dual enrollment was increased this year to include grades five and six with 47 students bussed to the public school. Subjects taken at the public school are the same as those of the Junior High School dually enrolled students.

St. Lambert's School

Dual enrollment at St. Lambert's includes grades 5 through 8. Sixty-nine students attend two public schools. All four grades receive instruction in the following areas: Mathematics, science, art, music, and physical education. The remaining subjects are taught at St. Lambert's.

Distance has been a partial problem for the children of St. Lambert's since both schools in which they are dually enrolled are quite far away. The public school provides transportation for grades 5 and 6 since they must be bussed out of the school district. Transportation to the Junior High, however, must be supplied by parents since it is the school of the district. Because of transportation problems, the program will be discontinued this June (1971).

St. Joseph's School

Cathedral school has 146 fifth and sixth graders enrolled in three public schools. Science, Math, Phys. Ed., Music and Art are taught in the public school and the rest of the subjects are taught in the Catholic school, alternating with morning and afternoon sessions.

The program at St. Joseph's presents a typical example of what has happened in the Catholic schools of the community. In 1963 St. Joseph's enrolled more than 1100 pupils in the elementary grades. Sister Margaret, the principal, reports that this year 601 pupils are enrolled. This includes the 146 dual enrolled students! Furthermore, Sister points out that her eighth grade has always enrolled fewer children than any other grade. This year there are 94 eighth graders and only 60 youngsters in the first grade. Sister's observation that fewer children graduate than start augers poorly for an entering class of 60 students. Students are charged a nominal tuition fee which hardly pays for their books. Although precise figures were not given, the principal pointed out that the number of sisters in the school is decreasing.

St. Joseph's is in serious trouble. The school is losing pupils at a rate of 20 per year and the number of sisters available is decreasing. The dual enrollment program at Hawthorne offers very little help. The Pastor estimates that the program saves him approximately $1,500 per year.

Administrative Procedures

The dual enrolled students in Sioux Falls maintain their primary affiliation with the Catholic school. They graduate from the Catholic schools and all their permanent records are kept in the parochial school office. However, when they are in public school classes they are legally and educationally the responsibility of the public school Board. They receive a public school report card for the dual enrolled courses. These grades are transferred to the permanent record in the Catholic school at the end of the year. Both schools operate on the public school calendar and class schedule. Attendance is taken in both schools at the beginning of both the morning and the afternoon sessions. There is no formal mechanism for cross-referencing A.M. - P.M. absentee lists although several schools do this on a "good friends" basis.

The Catholic students receive auxiliary services such as medical care and testing programs. In addition, the nonpublic school students are bussed at the expense of the public school board.

Finances

Because of the dual enrollment program the Sioux Falls school district has had to hire several new teachers at an approximate salary cost of $40,000. The busing costs for the program amount to $23,000 annually, thus the total public school expenditure is $63,000. When Catholic school officials suggested a leasing arrangement with the dual enrollment program the total expense was estimated at $105,000.

The Sioux Falls School Board receives a prorated amount of state aid for the students in the dual enrollment program. The exact amount of this aid is not yet known but it is estimated to be around $20,000 per year.

Conclusion

The dual enrollment programs in Sioux Falls operates very smoothly. Public and nonpublic school people speak very favorably about the relationship that exists between the two school systems. Behind the mechanical aspects of the program's operation are numerous teachers and school officials whose primary concern is the education of the children in the community. These people are willing to work together for that purpose.

Although the cooperation is good and the programs are well run, dual enrollment offers limited assistance to the Catholic schools in Sioux Falls. It cannot increase Catholic school enrollment or the number of sisters available to teach in these schools. At best, it can offer some financial relief. As we have seen in the case of St. Joseph's, this relief is meager.

The single most impressive aspect in Sioux Fall's dual enrollment program is that nobody takes it too seriously. Public and particularly parochial school officials frankly see dual enrollment as temporary financial expedients, a stop-gap measure. No one has been fooled by the relief offered by the present program and school officials have decided not to expand this year's operation.

Catholic school officials have learned from their dual enrollment experience and are evolving a new sense of what a Catholic school can contribute to a pluralistic society. They have not seized upon dual enrollment as a link to the past, but are trying to use it as a starting point in their search for new alternatives in Catholic education. It is not within the scope of this report to evaluate the progress Catholic schoolmen are making in this direction, but we must say that by using dual enrollment to provide additional time and new ideas, they are making appropriate use of an all too often abused education program.

CASE STUDY FOUR

Dual Enrollment

The Rogers Public School and the Marquette Catholic School

Michigan City, Indiana

Dual Enrollment

Michigan City, Indiana

Overview

The dual enrollment program developed by Michigan City, Indiana and the Marquette Catholic High School turned out to be one of the most comprehensive and carefully planned arrangements we came across in our study of local programs. Two schools, one Catholic and one public, were designed explicitly for the purpose of dual enrollment. The public school facility was designed for 2000 students while Marquette Catholic High School was planned to accomodate 600 youngsters. The program had overwhelming support of public school officials and was endorsed by a vote of the Catholic parishioners.

This careful planning and strong support notwithstanding, the project collapsed, the program has never been implemented. The Rogers-Marquette story is a vivid example of dual enrollments' endemic weakness, its inability to cope with one of the major problems facing Catholic schools, the decline in the number of available religious.

Background

Michigan City is a growing industrial Center about twenty miles west of Gary, Indiana. The population of 30,000 is about 35 per cent Catholic.

The first discussion of dual enrollment began in 1966. The position of the Catholic schools at this time is reflected in a promotional pamphlet later used to gather Catholic support for the Rogers-Marquette plan:

> CATHOLIC EDUCATION IN MICHIGAN CITY is finished - on the high school level - if this program is not adopted. Other plans have been suggested, in the past, but his is the only program which the Catholics of Michigan City can afford. There are not enough Catholic families in this area to build or to operate a multi-million-dollar high school. The dual enrollment high school is an opportunity you can't afford to pass up. To reject it now would simply mean an increase in school tax dollars - and no Catholic high school.

From the very beginning, the six parishes in the city worked together on the dual enrollment project.

As is so often the case in local cooperative ventures, the program began through an accident of personal relationships. The attorney for the school board happened to handle a client who sold some property to the Catholic Bishop. The public school board was considering the adjacent lot as a possible location for the new public high school, and the attorney Meyer off-handedly mentioned the Catholic holdings to the public school superintendent. The superintendent already had the site in mind, so it is not clear whether the two school systems acquired adjacent lots by accident or by design. If arrangement was intentional, the decision was on the part of public school officials.

The two schools purchase their respective properties before any discussion of dual enrollment had begun. The first discussions of a dual enrollment program were initiated by Attorney Meyer, a strong supporter of Catholic education. A description of the many meetings that followed is contained in Appendix 1, "Time Table for Propossed Shared-Time Catholic High School". The following is a brief outline of the major events that occured during the planning stages of the project.

July 22, 1966 - The first formal meeting between Catholic and public school officials was held. Catholic officials were asked to secure the guarenteed services of a religious order by January 1, 1967, to staff the parochial school.

September 30, 1966 - Public and parochial school officials met with Mother Verda Clare who pledged the Holy Cross sisters to the project.

November 7, 1966 - The Michigan City school board passed an eight point resolution in support of the dual enrollment program. (cf Appendix 2)

December 4, 1966 - A referendum on the plan was held in the six Catholic parishes. Ninty per cent of the eligible parishioners voted; 82 per cent were in favor of the plan.

By this time, plans for the public school had already been drawn up. The architects of the Rogers school were asked by Catholic officers to submit plans for the Marquette Catholic High School as well.

The "Catholic High School Committee" was formed to review these plans and an Executive Committee was established to design the educational specifications for the high school.

The Program

The 9.5 million dollar public school facility includes 40 general classrooms, and a wide variety of classrooms for specialized areas of study and training. A complete description of the public school facility is shown in Appendix 3.

Each Catholic student would spend one-half day in the public school, taking courses in science, math, languages, typing and other business skills, shop and home economics, and physical education. They could follow a secretarial, technical or college preparatory sequence.

The plans for Marquette High School included 16 classrooms, a Library Resource Center, flexible classrooms for large and small group instruction, seminar rooms, an art room, administrative area, health and guidance center, conference room, and a book store.

The estimated cost of construction and furnishings was $850,000. The courses to be taught in the Catholic school included the following: Literature, Composition and Speech, Religion, Fine Arts, History, Sociology, Economics, Government, Cultural Geography, Anthropology and Psychology.

Administrative Policy

The two schools were to be adjacent to each other. The plan called for approximately 500 Catholic school students to be dually enrolled in the Marquette-Rogers program. Although many students would take more subjects in the public school than at Marquette High. The grades from the public school would be transfered to the students transcripts kept in the Catholic school office. Only the Catholic school would issue a report card. The students would be graduated from Marquette.

Staff

The teaching staff of Marquette was to include 12 Holy Cross Sisters and 8 lay people. On April 28, Mother Verda Clare informed the Catholic school superintendent that the Holy Cross Sisters would not be able to fulfill their committment to the Marquette High School.

Citing a decline in the number of vocations and an increasing number of sisters leaving the order to pursue personal careers, the Holy Cross superior offered her regrets and hopes that another teaching order could be found.

The Catholic superintendent wrote to more than thrity different orders of Catholic sisters. No one could guarantee 12 sisters for the Marquette school. The "Catholic High School Committee", formed to review the school plans and to raise funds, made their own informal search for Catholic sisters with a similiar lack of success. An attempt was then made to recruit an ecclectic teaching staff, twelve sisters from several different orders. But even this could not be accomplished.

Meanwhile, the construction on the Rogers school was well underway. Public school officials, sympathetic to the plight of the Catholic officials, continued their support of the dual enrollment plan. Even today, the Superintendent feels that the school board would be willing to operate such a program if the Catholic parishes could support and staff the parochial school sector.

Conclusions

It has now been more than five years since plans for the Rogers-Marquette program were first discussed. There is little or no hope that the Catholic school will ever be built. The problem is not really one of finances. The six parishes had raised over $200,000 and having reached that much, the Diocese of Gary had promised to subsidize the rest. The Catholic superintendent also points out that the parishes could have afforded to staff Marquette with a predominantly lay staff. The money was there but it was felt that a Catholic school without religious would not have a unique Catholic character; it would hardly be different from a public school. The unanimious decision of the two committees involved in planning the school, was that a Catholic high school without a staff of sisters was not worth the work and investment. The $200,000 contributed to Marquette by the Catholics of Michigan City, was returned to the people.

The lack of Catholic nuns is a major problem facing all Catholic schools. Sisters are perceived as adding a certain religious character to a school which makes it different from the public school; many Catholics are willing to pay for this perceived difference. Without the sisters, the Catholic school was seen as offering less but costing more. Thus, even before the Rogers-Marquette program could get off the ground, the lack of sisters brought to an end plans for a Catholic high school in Michigan City. The Rogers-Marquette experience is a vivid example to those who think that dual enrollment might "save" the Catholic schools. Dual enrollment can afford temporary financial relief, but it's value is dubious in solving the longer term problems besetting Catholic schools.

Appendix 1

Time Table For Proposed
Shared-Time Catholic High School
Michigan City, Indiana

(CS:4):9

DIOCESE OF GARY

MSGR F J MELEVAGE
SUPERINTENDENT OF SCHOOLS
4535 [illegible]
~~[illegible]~~
GARY, INDIANA
PHONE [illegible]

REV GEORGE B KASHMER
ASSISTANT SUPERINTENDENT

SISTER M PAULETTE
DIOCESAN SUPERVISOR

3855 BROADWAY
PHONE 887-8821

December 22, 1966

Time Table for Proposed
Shared-Time Catholic High School
Michigan City, Indiana

1. The possibility of a Central Catholic High School for Michigan City has been discussed for the last five years. The general consensus was that the Catholic parishes could not afford it and that it would be most difficult to staff it. It seemed like a dead issue until the idea of a shared-time high school became the subject of many discussions.

2. Marcellus B. Meyer, an attorney from Michigan City, wrote to Bishop Andrew G. Grutka, suggesting that the shared time idea be explored in a formal manner.

3. At the advice of Bishop Grutka, Monsignor Melevage, Superintendent of Diocese of Gary Schools, together with M.B. Meyer and Father Cross of Queen of All Saints, met with Mr. A.K. Smith, Superintendent of Michigan City Schools on July 22. Mr. Smith indicated that he thought such a plan could work out but that the final decision would have to be made by the school board. Before a presentation was made to the school board, Monsignor Melevage requested time until January 1, 1967 to secure a firm commitment from a religious order to staff the proposed school.

4. On September 30, a meeting took place in the Gary Chancery office in attendance were Bishop Andrew G. Grutka, Mother Verta Clare, Mother Provincial, of the Holy Cross Sisters, Sister M. Victoires, Sister Marie Celine, Secondary School Supervisor, Marcellus B. Meyer, onsignor Melevage, Superintendent of Schools. After a thorough discussion of the shared time proposal, Mother Verta Clare pledged the Holy Cross Sisters to the project.

5. A resolution was next proposed and discussed in the Michigan City School Board meetings. The resolution to cooperate with non-public, State Commision Senior High School, grades 10-12, was unanimously accepted on November 7, 1966. (Resolution in envelope.)

6. With two major requirements fulfilled, a faculty and endorsement by Michigan City School Board, the shared-time concept was presented by Monsignor Melevage, Superintendent of Schools, to the people of Michigan City in the atmosphere of a "town hall meeting" at Marquette Hall on November 30. The 700 persons present showed great interest and asked many questions. It was proposed that, because of the serious commitment, that a referendum should be taken in all 6 parishes. If the people were expected to financially to support the school then they should be given an opportunity to voice an opinion for or against

7. The Sunday scheduled for referendum was December 4, and ~~votes were December 4, and~~ December 11 all votes were collected. On December 13 they were counted by a committee of laymen from the 6 parishes. Bishop Grutka had clearly stated that this vote of the 6 area parishes would definitely decide dropping or accepting shared-time high school. After the final tally it was learned that 80% of the families that voted favored the program.

8. The Chancery Office next made it known that it would accept a request from architects to be considered for the new building.

9. A Catholic High School committee is about to be formed, composed of 3 lay people from the 6 parishes plus the pastor. This committee will meet soon and review the self studies of an architectural firms. They will select an architect which the committee wil recommend to the Most Reverend Bishop. This committee will also make another decision, to determine how they will canvas the 6 parishes for the money needed for the building.

10. To get the building underway and completed, an executive committee has been formed, consisting of Monsignor Melevage, Superintendent of Diocese of Gary Schools, Rev. Leonard Cross, Pastor of Queen of All Saints, M.B. Meyer, Michigan City Attorney, and two more lay people to be named.

11. Many additional meetings, to work out the curriculum and scheduling of classes, will be forthcoming between Mr. A.K. Smith, Superintendent of Michigan City Schools, his staff, Monsignor Melevage, and his staff.

12. Bishop Grutka of the Diocese of Gary, expresses great enthusiasm and confidence in the people of Michigan who are about to bring about the first shared-time high school in the State of Indiana. He feels confident that the people will continue to support his project in every possible way, so that it will become a model school in the state; possibly in the nation.

Appendix 2

Resolution of the Michigan City School Board in Support of Dual Enrollment Plans

(CS:4):13

ARA K. SMITH
Superintendent
WALLACE H. YENTES
Associate Superintendent

MICHIGAN CITY AREA SCHOOLS
609 LAFAYETTE STREET
MICHIGAN CITY, INDIANA 46360

ALMA KOZA
Assistant Superintendent
Elementary Schools
ROBERT BAHOR
Assistant Superintendent
Secondary Schools

RESOLUTION

BE IT RESOLVED, that the Board of School Trustees of the Michigan City Area Schools will cooperate with non-public, state-commissioned senior high schools, grades 10-12, by accepting students from these schools on a half day enrollment plan, provided:

1. The student's parents are residents of the Michigan City Area School corporation,
2. That fifty percent of the number enrolled from each non-public school will be assigned to the public school in the morning and fifty percent in the afternoon session,
3. That students residing outside the attendance district of the second senior high school must provide their own transportation, since there will be no established transportation routes from the Elston Senior High School attendance district to the second senior high school,
4. That the enrollments of such students will be confined to mathematics, science, commercial industrial arts and vocational education classes,
5. That this shared time program will not be instituted until the second senior high school facility is commissioned and in operation,
6. That such students will be enrolled in two (2) one-hour classes or one (1) three-hour class, and the credits earned will be sent to the non-public school since the student will be considered a member of the non-public school for graduation and extra curricular privileges,
7. That students on the shared time program will observe the public school calendar and regulations in attending public school classes, and
8. That the above plan is approved by the State Department of Public Instruction, including financial support from the state distribution formula.

Michigan City, Indiana
November 7, 1966

Appendix 3

Public High School Facilities

(CS:4):15

PUBLIC HIGH SCHOOL FACILITIES

Library and Educational Resource Center
Reading Room, Book Storage, Audio-Visual Area
40 General Classrooms
6 Science Laboratories
  Chemistry, Physics, Physical Science

4 Typing Classrooms
1 Office Machines Classroom
1 Data Processing Laboratory
1 Languages Recording Laboratory
1 Developmental Reading Room
1 Mentally Retarded (M-2) Room

4 Administrative Offices
6 Counselors' Offices
8 Teachers' Work Areas

Main Gymnasium
Swimming Pool
Athletic Fields
Cafeteria Study Hall Center

8 Technical and Vocational Shops
  Wood and Building Trades, Power Mechanics, Auto Body Repair, Welding, Machine, Metal, Graphic Arts, Horticulture

1 Greenhouse
2 Drafting Classrooms
1 Electric and Electronics Classroom
1 Radio and Television Repair Area

4 Home Economics Laboratories
  Food, Clothing, Comprehensive
1 Distributive Cooperative Education Room
1 Diversified Industrial Education Room
  Programs in conjunction with local commercial production and operation

Auditorium (1,000 Seating Capacity)
3 Art Classrooms
  Arts and Crafts, Ceramics
3 Music Classrooms
  Instrumental, Ensemble, Vocal

CASE STUDY FIVE

LIMITED DUAL ENROLLMENT IN REVERSE
RELIGION ONLY

The Christian Education Center
Gainesville, Georgia

Gainesville, Georgia

Overview

The Christian Education Center, Inc., is an interdenominational enterprise which provides instruction in Christian religions to more than 150 public school students from the junior high school and high school in Gainesville, Georgia. The program was originally conceived and developed within the First Presbyterian Church in the Spring of 1967. When the Center became incorporated in July, 1967, sponsorship also included the First United Methodist Church, Grace Episcopal Church and St. Paul United Methodist Church.

Churchmen from the four denominations recall that their involvement grew out of a deep concern for the quality of the religious education being offered in their Sunday Church Schools. In order to better meet the needs for religious education, the four Churches built a modern facility, The Christian Education Center, on a mall between the high school and the junior high (cf. Appendix 1 - floor plan).

The Center employs a Director-teacher and a secretary-teacher, and no tuition is charged to the students. The Center offers a full range of elective courses, six periods a day, five days a week. Presently there are 153 students enrolled. The students, representing over twenty different denominations, receives full credit toward graduation for the courses they take in the Center. Although the program closely resembles the release time model, the public school accreditation of its courses clearly requires that it be classified as a limited dual enrollment program in reverse.

Background

The Community

Gainesville, Georgia is a Bible Belt town of approximately 20,000 people within the city limits and an additional 40,000 people living in the surrounding county. The vast majority of the population is Southern Baptist. The Catholic population includes about 350 people, the Jewish population about 15. The black population, about 15 percent of the community, is almost exclusively Baptist. The four Churches that underwrite the Christian Study Center have the following numbers in their congregations:

First United Methodist Church.......	1,100
First Presbyterian Church...........	700
Grace Episcopal Church	600
St. Paul United Methodist Church....	350

Early History

As nearly as anyone can pinpoint the origin of the Christian Education Center, the concept and project stem from a conversation between Presbyterian Church Elder, Mr. Bill Gunter, a lawyer, and his Minister, the Rev. A. A. Markley. Both shared a serious concern about the quality of religious education being offered to young people in Church sponsored Sunday schools. Mr. Gunter felt that "educating young people about their Christian religion is historically a family responsibility. The responsibility has been left to the Church and the Chruch is not doing a very good job of it. Church School on Sunday is a waste of time. religious education must be done by a full-time professional, not by a layman who received his own meager training in a Church Sunday School."

The Minister, Rev. A. A. "Bill" Markley, was likewise concerned about the quality of religious education and soon became the driving ideological force behind the Center. Convinced that public schools were the greatest single character molding institution, the Reverend reasoned that religious education must somehow become involved in the pluralistic mix of public schooling. He felt that "Religious education must be approached with the same seriousness of purpose found in other school subjects, must take into account the dynamics of the peer group, and must face the realities of the pluralistic society in which our children are living."

With Rev. Markley acting as the guiding theoretician, the project began and soon found an able proponent in the person of a young lawyer, Mr. Sam Harben, Jr. Mr. Harben and his Minister, The Reverend Markey, approached their congregation with the idea for the Center. A special study committee was appointed to formulate a proposal for an "ideal" educational program for youth.

The committee analyzed the educational habits of their 720 member congregation and found that only 44 percent of the youth engaged in systematic study of the faith; moreover they found that only 25 percent of the adults were so engaged.

They soon began to seriously consider the concept of release time study under a professional teacher in a church-owned facility adjacent to the junior-senior high school. Getting information was difficult because, so far as they knew, release time was not practiced anywhere else in Georgia, or for that matter, anywhere close to them in the South. In February 1967, deacon Sam Harben went to Dallas, Texas, where the National Council of Churches was sponsoring a seminar on weekday education in conjunction with other seminars on various aspects of Christian education. He returned to Gainesville not only with information and enthusiasm about what was being done in other parts of the country, but also with concrete ideas on what could be done in Gainesville.

The Public Schools

The City of Gainesville is governed separately from the County and enrolls some 650 students in the junior high, approximately 800 in the high school.

In understanding the relationship between the public schools of Gainesville and the Christian Education Center, it is important to note that the Gainesville public schools have had a tradition of religious education in the classroom. The present Chairman of the Board of Education recalls "mandatory Chapel services and Bible reading in the classroom" from his days in Gainesville public schools.

The Chairman of the School Board recalls that "the particular brand of religion you got in school depended on the religious preference of the principal or teacher. But you always got something."

A second consideration that one must keep in mind when examining the relationship between the public schools and the Center, is the question of race. After the Supreme Court decision of May, 1954, (Brown v. Board of Education, Topeka, May 17, 1954) declared the doctrine of separate but equal time an inherently unequal system, great energy and funds were channelled into Gainesville's black high school, Butler High. The City limits were extended to include Butler and it soon became the City's show place. School officials and Churchmen reall that it was probably the best school in the area and served as a source of pride to the black community.

When HEW guidelines, controlling Federal funds, dictated integration, Butler was closed and its students went to County High School and to Gainesville High School. The relationship between Butler High School and Gainesville was one of absorption, not merger, and caused a great deal of tension in addition to noticeable amount of overcrowding.

In both the matter of race relations and in the matter of school overcrowding, the principal of the High School and the School Superintendent point out that the Christian Study Center has rendered a valuable service to the public school system.

"It has helped my school a great deal," reports High School Principal Curtis Sigars, "in alleviating some of my space problems. Although the Center might only take 30 or 40 of my kids at a time, this amounts to a whole classroom and is a great help."

The schoolmen feel that the Christian Education Center has made a significant and unique contribution to the schools in the matter of race relations. Race relations can sometimes be strained at Gainesville High. After a small fracs last fall between black and white students, meetings with parents, students and school officials were held for several days in the facilities of the Christian Education Center. The Center acted as "neutral territory" and the Center staff as "fair arbitrators," says one school official. "The type of meetings that were run," says another schoolman, "and the positive results achieved could not have happened in the regular school buildings with the regular school officials."

Public schoolmen all feel that the Center handles the question of race in the natural, day to day context of Christian education in a manner that is difficult in a public school. Besides the crisis situation cited, the Center assists the school in the matter of race relations by treating the question during regularly scheduled classes.

The religious tradition of the public schools in Gainesville and the fact that the Center is seen as having rendered "valuable services" to the public school system, are important dynamics in the development of the relationships between the Christian Education Center and the public schools.

(CS:5:7)

The Christian Education Centers, Inc., a non-profit organization, incorporated in Gainesville on July 10, 1967. The corporation is administered by a twelve-member Board of Trustees, three members appointed by each of the four sponsoring churches: First United Methodist, First Presbyterian, Grace Episcopal, and St. Paul United Methodist. The Board is responsible for all matters pertaining to the Christian Educatinn Center. This includes all financial administration and educational policy.

In addition to the Board of Trustees, an Interfaith Advisory Council has been established,membership on which is extended to all religious denominations in Gainesville. The Chairman of the Board of Trustees reports, "We give everyone a chance to say no to participating with us in deliberations about curriculum." "Response by the non-sponsoring Churches to participate on the Interfaith Advisory Board has never been very strong," reports another Trustee. Indeed, in its two and a half years' existence, the Interfaith Committee has never been active or strong.

When the Christian Study Center opened during the second semester of the 1968-69 school year, it was a "volunteer" course which students could attend when they had a study hall scheduled. This arrangement, maintained throughout the year 1969-70, was considered most unsatisfactory by the Trustees since it implied that the courses in Christian Educatinn were not as important as the other school subjects and since students could stop coming to the Center if too much work was demanded of them. This situation was changed when credit was granted to all courses taught in the Center (1970-71). "Christian Education" is now listed by the school on its master schedule given to students. Students electing this course are scheduled into it when the school computer arranges their schedule.

Staff

In January of 1967 the Board hired a teacher-administrator-director, Rev. J. W. Stonebreaker. During the Center's opening semester (January, 1968) he was its only instructor but he was joined in the fall of 1968 by another full-time accredited teacher. During the first semester, other Gainesville clergy, including a Roman Catholic priest and a Baptist clergyman often acted as substitute teachers.

Since the beginning the relationship between the staff of the Center and that of the public schools has been most amicable. Indeed, Mr. Stonebreaker and the Center's other full-time teacher, Mrs. Palmer, are generally treated as "members" of the school staff. They eat with the rest of the faculty in the school cafeteria, attend faculty meetings, PTA, and they receive all announcements and bulletins handed out in school. In addition, while they usually handle problems on their own, the staff of the Center often consults with the counselors and principal of the schools on cases of academic or disciplinary difficulties.

Administratively, the staff of the Center takes daily attendance and assigns course grades which they report to the appropriate school (Junior or Senior High). The staff also distributes a "Registration for Release Time Religious Instruction" and a "Course Enrollment" card to the students. The former card is filled out and signed by parents and signed by Mr. Stonebreaker. This card acts as an official parental request to the principal and a guarantee by the Director that the student is taking release time instruction. The "Release Time Registration" card is kept along with the Course Enrollment card in the Christian Study Center.

According to Mr. Stonebreaker, no difficulty concerning Release Time Registration cards or Course Enrollment cards has ever arisen (Sample of these cards is shown in Appendix 2).

Enrollment

The number of students enrolled in courses offered by the Center has steadily increased since it began. For each semester the enrollment figures by Junior High and Senior High and by religious denominations are displayed in Tables 1 and 2.

TABLE 1

ENROLLMENT IN CHRISTIAN EDUCATION CENTER FOR EACH SEMESTER BY JUNIOR HIGH AND SENIOR HIGH SCHOOL.

	Jan. 1969	Sept. 1969	Jan 1970	Sept. 1970	Jan. 1971
Junior High	22	59	61	27	67
Senior High	8	9	8	47	86
Total	30	68	69	74	153

(CS:5:10)

TABLE 2

ENROLLMENT IN CHRISTIAN EDUCATION CENTER FOR EACH SEMESTER BY RELIGIOUS DENOMINATION

Religion	Jan 1969	Sept. 1969	Jan. 1970	Sept. 1970	Jan. 1971
First Methodist	3	5	5	6	7
First Presbyterian	6	8	9	7	7
Grace Episcopal	4	3	2	3	6
St. Paul Methodist	4	9	8	7	17
Total	17	25	24	23	37
First Baptist	4	14	17	12	24
Other Baptist*	5	21	23	21	51
Baptist Total	9	35	40	33	75
Other Churches**	4	8	5	18	41

*This includes some twenty-three different Baptist Churches

**This includes some twelve Churches other than Baptist or the four sponsoring Churches.

In all but the first semester of operation, children from the four sponsoring Churches have been in the minority; the majority were Baptist children. This is clearly shown in Table 3

TABLE 3

ENROLLMENT IN CHRISTIAN EDUCATION CENTER FOR EACH SEMESTER BY RELIGIOUS AFFILIATION OF STUDENTS.

Student's Religious Affiliation	Jan. 1969	Sept. 1969	Jan. 1970	Sept. 1970	Jan. 1971
Sponsoring Churches	17	25	24	23	37
Baptist	9	35	40	33	75
Other	4	8	5	18	41
Total	30	68	69	74	153

The fact that Baptist youngsters are usually in a majority (about 50 percent of the student population) is particularly annoying to the Board of Trustees and to the "dues paying" members they represent since the Baptist Church is easily the wealthiest Church in Gainesville. However the Baptist Church has regularly declined invitations to contribute financially to the operation of the Center. The Baptist Church, which has its own Church sponsored school program, declines each invitation with the explanation that it can best provide for the religious education of its children within its own program.

About 35 percent of the enrollment has been Black since the program began.

Curriculum

The curriculum taught in the Christian Education Center has been developed by Rev. Stonebreaker. After carefully reviewing all published materials, Mr. Stonebreaker found "that absolutely nothing readily available was any good for a serious five day a week course in Christian religion." His own materials are divided into four independent nine-week courses. A junior high school and a high school curriculum have been developed. Courses offered during the 1970-71 school year are described in Appendix 3.

Ancillary Programs

In addition to the program of release time - elective courses for junior high and high school students, the Center also offers a full program of adult education. The adult program, conducted during evenings, charges a tuition fee to meet its own operating costs and generally involves courses conducted by religious scholars from nearby colleges and universities.

Finances

The capital outlay for the Christian Study Center amounts to $83,521.11. This figure is broken down as follows:

Building	$82,106.43
Furniture and Fixtures	1,177.72
Office equipment	386.62
Library	960.38
	84,631.15
Less Depreciations	1,110.04
	$83,521.11

The operational cost from July 1, 1967 to June 30, 1969 came to a total of $31,941.60. The operational budget for July 1, 1969 to June 30, 1970 is $26,428.12. The same budget is being used for fiscal year 1970-71.

The entire cost of the operation, initial investment and operational cost, is borne by the four sponsoring Churches. The Churches are taxed by the Board of Trustees on a fixed, per capita basis. Thus all Churches are assessed the same rate but the larger Church the more it contributes. The income from the sponsoring Church is shown in Table 4.

(CS:5:13)

TABLE 4

CHRISTIAN EDUCATION CENTER SUPPORT FROM SPONSORING CHURCHES

Church	June 1967 to October, 1968	July 1969 to June, 1970
First Methodist	$12,873.50	$10,000.00
First Presbyterian	8,450.00	7,000.00
St. Paul Methodist	5,850.00	6,000.00
Grace Episcopal	4,550.00	3,500.00
	$31,723.00	$26,500.00

Additional financial support has come to the Center from a private Foundation, in Georgia, which wishes to remain anonymous. The Foundation has bought the mortgage note from the Center and guarantees full payment of principal and interest at the end of three years. However, according to the terms of the agreement, the Center must pay into a trust fund each month for three years, an amount equal to the monthly mortgage payment. At the end of the three year period, the Christian Education Center, Inc., will have full control of the trust fund and the Foundation will have paid off the note on the Center. While this arrangement has not provided immediate relief, it is of immense assistance.

A final source from which the project received significant funds, is from its own Board of Trustees. After assessing the sponsoring Church the amount needed to erect the building, the Board was informed that in order to meet space and safety requirements of the State Board of Education, some $15,000 worth of renovation had to be made to the structure. Rather than return to the congregations for these monies, the members of the Board pledged to raise the funds themselves. While this was a generous offer and most of the money was raised, the full sum was never reached. Consequently the Center operates on a deficit.

Tuition has never been charged in the Christian Study Center. Early in its history, the Board of Trustees argued the question of charging a fee. On the one hand, the Center was viewed as a religious "finishing" school for children whose parents chose to send them, hence tuition was perhaps justified. On the other hand, a fee might exclude a large number of poor children, particularly black children, and for that reason no tuition should be charged. The final decision was against a tuition charge.

Program Approval

The educational politics in Gainesville originally posed several serious problems to the growth of the Christian Education Center. The Gainesville Board of Education, heavily weighted with Baptists, was reluctant to act on the Center's initial request for release time. The Board claimed that there was no precedent for such an arrangement anywhere in the State. The Center took the case to the State Board of Education. The State Board of Education handed down a split decision. In effect the State Board, while formally not granting permission did not refuse permission.

At this point the local Gainesville Board had a change of heart. In granting permission, however, the Gainesville Board cautioned that if the State Board did object, approval would be withdrawn. Furthermore, the local Board stipulated that all courses in the Center would be voluntary and that no official school credit would be assigned to them.

Another problem facing the Center before it got underway dealt with the teaching credentials of the Director, J. W. Stonebreaker. A competent scholar and theologian who could probably teach in any college or university in the country, Mr. Stonebreaker did not have the educational credits required for State certification. Again, the local Board came to the rescue. The Gainesville school officials certified Mr. Stonebreaker's competence for the State Board through on-site observations and by examination of his curriculum and other plans for the Center.

In the Spring of 1970 the Board of Education of Gainesville voted unanimously to permit courses taught in the Christian Study Center to become fully credited, and regularly scheduled elective courses, open to any student in the Junior or Senior high school.

Attendant Obligations

No contractual agreement exists between the School Department of Gainesville and the Christian Education Center, Inc., by which attendant obligations are delineated. By gentlemen's agreement, worked out over a period of two and a half years between many individuals, the public school lists the Center's courses on their

Master Course List, schedules these courses through its computer, and provides forms for grades and attendance. The Center, on its part, records and reports attendance and grades, transmits these records to the public school, provides, and sees to, the completion of Release Time Registration cards, and finally accommodates some 30 to 70 students per period in the private facilities which it maintains. Further, there is regular consultation between the two staffs.

The Center provides its own curriculum materials, consumable supplies, staff and facilities. Neither party assesses the other any fees for services rendered.

ANALYSIS

Community Relations

Since the time the Christian Education Center opened its doors to students in January of 1959, the working relationship between the staff at the Center and the public school officials has been most amicable. The Superintendent, the Chairman of the Board of Education, and both principals feel that they couldn't ask for any more cooperation. Although some additional work is required in scheduling courses, it is not considered a burden by the public school officials.

Key people in the various affiliated churches reported that the children involved in the Center more frequently attend both worship services and the Church sponsored Sunday School than do their peers who have not registered in the Center. Further, they report that the Center's pupils seem more interested in worship services and Sunday School. They also report adults in their congregation have not shown overwhelming interest in the Center. Father Parker of the Grace Episcopal Church estimates that 90 percent of his congregation has never been in the Center and about 50 percent don't know very much about it. Presbyterian Minister, Rev. A. A. Markley, feels his congregation have similar knowledge and attitude toward the Center.

There has been no conflict between the Church-sponsored Sunday Schools and the Christian Education Center. Bill Harben explains that this lack of discord is due to the distinction between three levels of religious education: education about religion - which belongs in the schools; education about the basic tenets of Christianity - which belongs in the Center; and education about denominational doctrine and dogma - which belongs in Sunday School." It is a commonly held belief that the program would never have been successful if it had concerned itself with teaching denominational tenets.

CONCLUSIONS

The Future

Diverse opinions exist among trustees, clergy and the public school officials concerning the future of the Center. The schoolmen would generally agree with the High School principal's assessment that "It has been a good thing for us and there is no need for it to do anything but grow." While agreeing that the Center should expand its present operation, the Superintendent feels that it should never attempt to compete with public education.

The various clergy and laymen involved in the Center have a clear difference of opinion. On the one hand, most are satisfied with the direction the program has taken and wish to see it develop further along the same lines. On the other hand, Mr. Sam Harben, Rev. Bill Markley and Atty. Bill Gunter, the founding fathers, are concerned that the Center has become too institutionalized, too oriented to traditional academic approaches and responses to religious education. They would like to see the Center "on the frontier of experimental work in religious education." And while they agree that the Center's principal mission is to function as a teaching agency, they would also like to see the Center move into the area of basic research on religious education.

Laymen and Clergy involved in the actual operation of the Center all feel that it has a unique capability as well as a responsibility to assist the public schools. An interesting concept commonly discussed by those involved in the Center, is the idea of acquiring a mobile unit so that religious education could be made available to people living in surrounding counties.

The Christian Education Center of Gainesville, Georgia is an efficient and effective program of religious education. It is a hybrid of release time and limited dual enrollment in reverse. Public school officials are more than pleased with the program, the clergy and laymen involved in the development and operation of the Center are likewise pleased with the fruits of their labor.

Enrollment is increasing and in a little over a year the corporation will have access to a trust fund of more than $80,000.

Gainesville is in Bible Belt Country. It has a history of religion in public schools. Public and nonpublic individuals involved are religious men, men who feel personally that religious education is an important and necessary part of a child's education. The community itself is over 99 percent Christian. In this milieu of religiosity it is not difficult to understand how the Christian Education Center could grow and indeed flourish.

In the final analysis the Christian Education Center was able to develop and works well today because key people in the community want it to. For example, two of the individuals behind the program are prominent attorneys - one the attorney for the school board, the other the local representative of the American Civil Liberties Union. The Center operates a program consistent with the longstanding religious convictions of the town in a manner that also serves the interests of the public school officials.

Whether the key to its success is the "type" of organization and program it has developed, or whether its success is best attributable to the local chemistry is not clear. These factors are clearly interactive and the final evaluation of this outstanding program will best be made when attempts are made to replicate the model elsewhere.

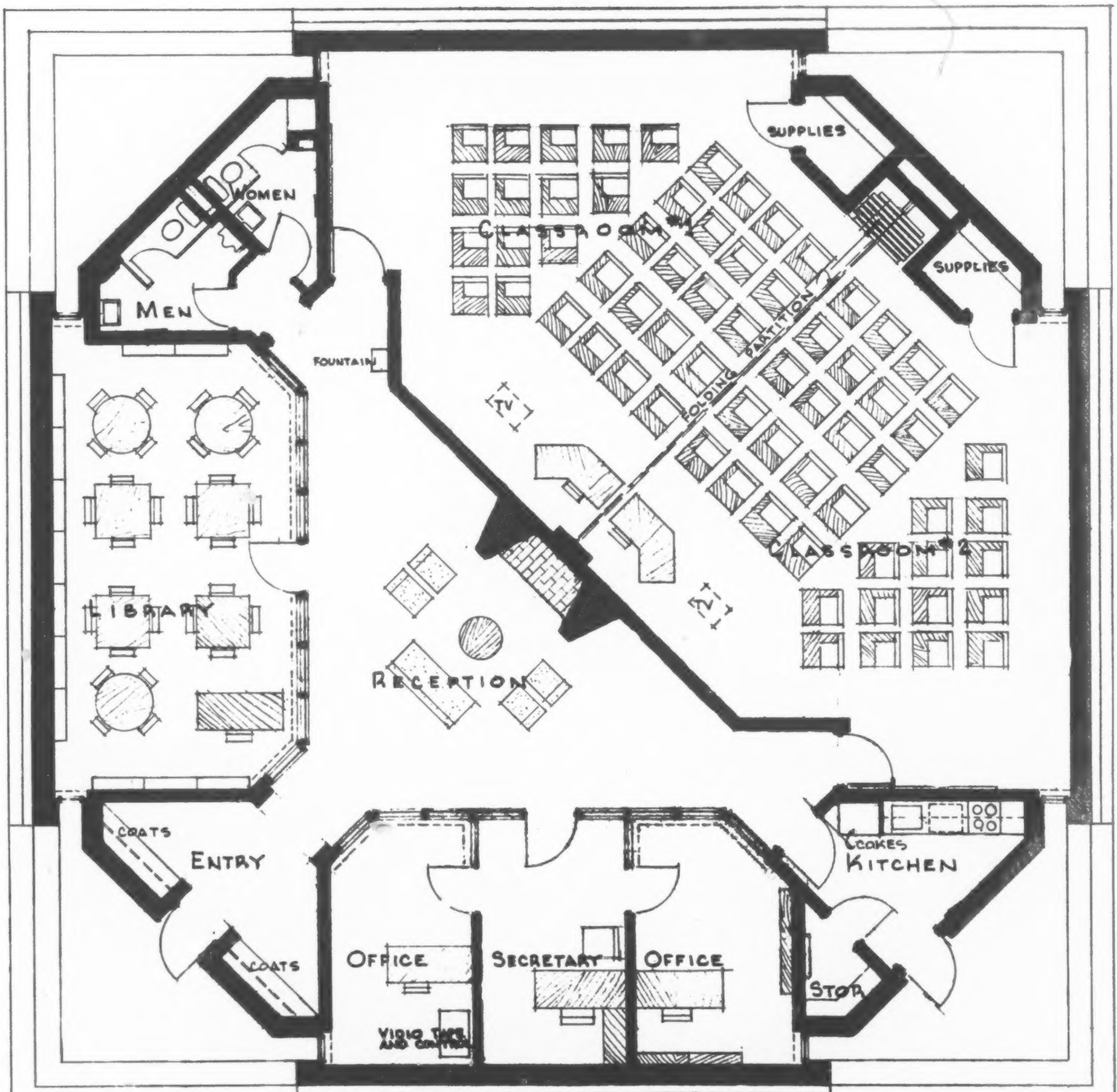
(CS:5:20)

APPENDIX 1

FLOOR PLAN OF THE
CHRISTIAN EDUCATION CENTER

JPR-25

(CS:5:21)


SUPPLIES
WOMEN
CLASSROOM #1
SUPPLIES
MEN
FOLDING PARTITION
FOUNTAIN
TV
LIBRARY
CLASSROOM #2
TV
RECEPTION
COATS
COKES
KITCHEN
ENTRY
OFFICE
SECRETARY
OFFICE
COATS
STOR
VIDEO TAPE AND CONTROL

CHRISTIAN EDUCATION CENTER

(CS:5:22)

APPENDIX 2

PARENT REQUEST CARD

JPR-26

(CS:5:23)

REGISTRATION FOR RELEASE TIME RELIGIOUS INSTRUCTION
(Parent's Request Card)

Gainesville, Ga. ____________________ 19____

To ______________________________ Principal Of __________________ School.

Please Excuse My Son/Daughter ______________________________ One Period

Daily throughout the rest of this School year, to attend class at the Christian Education Center.

(a) ____
(Signature of Parent/Guardian)

Address ______________________________________ Phone ______________

(b) Provision has been made to accomodate and instruct this pupil.

____
(Signature of Director)

(Card to be retained and filed by the public School)

NAME ____

ADDRESS: (Street) ______________________________

(Mailing) ______________________________

CHURCH YOU ATTEND ______________________________

Membership? ______________________________

PARENT OR GUARDIAN ______________________________

GRADE ____________________ PHASE ______________

HOMEROOM ______________________________

(CS:5:24)

APPENDIX 3

COURSE OFFERINGS
CHRISTIAN EDUCATION CENTER
1970 - 1971

(CS:5:25)

CHRISTIAN EDUCATION CENTERS, INC.

COURSE DESCRIPTIONS - 1970 - 71 SCHOOL YEAR

(Each course carries one unit elective credit towards graduation for grades nine through twelve).

JUNIOR HIGH SCHOOL

A. The Story of the Old Testament. A presentation of the framework of the history of God's people from Creation to the Exile, drawing material from Genesis, Exodus, Numbers, Joshua, Judges, I & II Samuel, I & II Kings, Ezra and Nehemiah.

B. Countdown - Christianity! A study from blastoff to orbit of the Christian Church according to Luke-Acts. Particular emphasis on the birth, life, death, resurrection and teachings of Christ and the organization and spread of Christianity.

C. Pieces of the Puzzle - A study of the Christian faith as it relates to public school learnings in the areas of science, history, society and self. Unit I

Unit I. How do religion and science fit together? To help students think through their questions that scientific studies may have raised concerning the place of God in the universe. It is hoped that in so doing the student will gain a better understanding of both science and religion - what each is and what it is not.

Unit II. Acts that mend or break society. A study of Christian actions which will help rather than harm the world we live in.

Unit III. The Church had a big part to play. An examination of history to see the contribution of the Church in certain historic events. The Christian view of purpose and direction in history and how God acts in history.

Unit IV. Pieces of My LIfe. A study of 2 heritages of the individual: Christian and American to see the part they play in helping an individual to develop and find his identity.

D. That's My Church. To develop an understanding of the different branches and denominations of Christianity - looking at the many items we share and the places where we differ.

HIGH-SCHOOL

A. What's in the Old Testament? A survey of the story and major events of the Old Testament as a background of an early stage of our Christian faith. Also a brief consideration of literary types found in the Old Testament.

B. The Life and Teachings of Jesus. To see what we know historically about Jesus and what the Biblical writers would have us believe about Him. Also an interpretation of His life and teachings in terms of 20th Century.

(CS:5:26)

Christian Education Centers, Inc. 1970-71 School Year Course Description, cont'd.

C. Christianity and the Current Crisis. Deals with some of the great problems of our day. An attempt to give factual information and what some of the alternatives are in these matters to help the student to make wise personal decisions concerning them. Topics to be considered: Sex, drugs and alcohol, majority-minority relationships, the "new morality", war and the draft, further education, choosing a life's work, our culture, relationships with peers, parents, etc.

D. Interaction: Where School and Faith Meet.
Unit I. Edge of Curriculum, Center of Lafe
Consideration of sports and athletic program, cheating, the purpose of school.
Unit II. Who Am I, Anyway?
Deals with the questions of identity, self discovery, meaning of Jesus Christ in this process, what the danger areas and ways to deal with them.
Unit III. What's Happening?
A look at human history to see where it is going, the problems of writing and understanding history, help in a Christian interpretation of historical dates, particularly seeing how God works in and through history.
Unit IV. This World and God.
A study of the world and society in which we live; the splits among segments of society; the process of change; political, social and economic difficulties we face; the contraditoriness of society; how God loves this world; how the Christian participates in Society.
Unit V. Living in a Pluralistic Society
Deals with the problems of differing religions and the history and present status of the "Separation of Church and State"; how to live by one's faith.in a pluralistic society.
Unit VI. Science and Faith.
Looking at the distinctive contributions of each; some areas of conflict; the need of each for the other and our need for both; some moral decisions the Christian must make in us of findings of science; e.g. the atom, genetic control, thought control, prolonging of life, organ transplants.

CASE STUDY SIX

Dual Enrollment in Leased Facilities

St. Clements School
Centerline, Michigan

Dual Enrollment

Centerline, Michigan

Overview

In Centerline, Michigan, 626 youngsters in grades 3 to 8 spend half their school day in St. Clements Catholic School and the other half in the Engleman public school. The Engleman school is owned by the Catholic parish and has been leased to the Centerline school Board for $1.00 per year since 1968. At the high school level, 65 students from St. Clements take technical and vocational courses at nearby Centerline Public High School.

Background

The small town of Centerline is completely surrounded by the Detroit suburb of Warren. Approximately 85% of the 10,000 people living in Centerline are Catholic.

St. Clement's elementary and high school were housed in what is now the public school, the Engleman building, from 1922 to 1955 when a new facility was opened. The new Ritter school, housed the Catholic grade and high school, with the elementary overflow going to the adjacent Engleman school, until 1968 when the dual enrollment leased facilities arrangement was worked out.

Enrollment in Catholic elementary school has been dwindling since the early 1960's. This decline is shown in Table 1.

TABLE 1

Decline in Elementary Enrollment
St. Clements School

Year	Enrollment	Grades on Dual Enrollment
1962	1500	
1968	1033	4-8
1969	878	3-8
1970	796	3-8

During the 1967-68 school year, St. Clements parochial schools were more than a quarter of a million dollars in debt. St. Clement's realized it was necessary to take drastic steps to reverse the recurring pattern of decreasing enrollment and increasing deficits if the Catholic school was to survive.

At the same time, the Centerline public school system was hard put to keep up with the inflationary costs of operating its public school system. This system enrolls 6,000 children in one high school, two junior high schools and one elementary school. The prospect of absorbing a thousand Catholic school students if St. Clement's was forced to close loomed ominously over the school board.

Thus the two school systems shared some common problems. Through the efforts of a local judge who served on both the public and the Catholic school boards, the two groups were brought together. The financial and educational benefits of a dual enrollment program were immediately recognized. Such a program would clearly serve the interests of both parties and with little or no opposition, a plan was agreed upon. The plan was approved by the State Board of Education on July 29, 1968

The Arrangement

An extensive dual enrollment program between St. Clement's elementary school and the Engleman public school is presently in force. The public school is adjacent (less than 300 yards) to the Catholic facility in a building leased from St. Clement's parish. Some 626 youngsters, all of whom would have been parochial school students had the arrangement not been in effect, study mathematics, physical education, music and art, during a half day session in the public school; they study English, religion, language arts and social studies in the Catholic school during the other half of their school day. From 8:30 until 11:00 a.m. half of the students are in the public school and the other half are in the Catholic school. At 11:00 a.m. the children in St. Clement's go to the cafeteria where they officially become public school students. The children who have been at the Engleman school during the morning, go to their classrooms at St. Clement's where they eat lunch. Upon entering the classrooms, they become parochial school pupils. At 11:45, the two groups have reversed the morning enrollment pattern and classes resume until 2:30. In January, the schedule is reversed.

Administrative Policy

The children are graduated from St. Clement's school and their permanent school records are kept in the Catholic school office. The teachers at the Engleman school report grades on the regular public school form. A copy is sent home to the parents and a copy is sent to St. Clement's

Attendance is taken in both schools each morning. Engleman teachers use the state required register and sends a list of their absentees to St. Clement's. The Catholic school office checks on the absentees of both schools. By 11:45, when the enrollments have been reversed, all absentees are accounted for and the morning absentee lists are cross checked in each school against the list for the afternoon session.

Monitoring responsibilities in the school yard are shared in common. The library, housed in the leased public school, is used extensively by both schools. The public school has free access to the materials in St. Clement's, including audio visual materials.

Approximately once a month an optional faculty meeting between the two schools is held. At this time, public and non-public teachers from various grade levels get together to discuss any mutual problems that might arise.

All textbooks are furnished by St. Clement's. These books are approved public school texts.

Finances

The Centerline school Board rents the Engleman building from St. Clement's parish for $1.00 per year. In addition, the school board reimburses the Catholic school for maintenances and janitorial services. The major public school expense incurred in participating in the dual enrollment program is that of teachers' salaries. One of the teachers is a sister, now in the employ of the public system; she teaches in the Engleman school in lay dress. Fourteen full time teachers and a principal are employed to operate the public school facility.

The public school in return receives state aid, pro-rated according to the amount of time the dual enrolled students spend in the public school portion of the program. In addition, the board receives state funds for students in the program who came from outside the district.

The overall cost of the program is not known. A very rough estimate was offered by one public school official who thought the cost was somewhere between $60,000 and $150,000 annually. The same official was quick to point out, however, that this is much less expensive than the cost of assimilating the entire Catholic school population. The per capita expense for a child's education in Centerline is $850.00. Absorbing 626 students at this rate would cost more than one half a million dollars annually.

Reaction to the Program

Support for the program has been quite strong. The predominately Catholic community is pleased with it because it allows them to preserve a Catholic school facility. Although some parents originally complained about paying full tuition ($125) for only a half time Catholic school, parents are now the programs strongest supporters. However, it should be noted from Table 1 that there has been a steady decrease in St. Clement's enrollment since the program began in 1968. The Catholics lost 155 pupils after the first year despite the addition of grade 3. The next year it lost 82 additional pupils.

Despite these enrollment declines both the public and the Catholic school boards mutually benefit from the program and evaluate it favorably.

The lease between St. Clements parish and the Centerline school board deals exclusively with the rental of the Englemen building and the permanent equipment (tables, chairs, desks) in it. There is no contractual agreement explicating educational policy or mutual and reciprocal responsibilities. All such arrangments have been made by "gentlemen's" agreement between the principals of the schools. For example, the administrative policies noted earlier are all the products of Friday morning coffee sessions between the principals.

CONCLUSIONS

Because a state supreme court case on dual enrollment had been pending since December of 1969. St. Clements accepted students conditionally for the year 1971-72. The tuition was raised to $175 to cover the anticipated expense of six new teachers if dual enrollment was found illegal. As the adjudication dragged on the enrollment at St. Clements continued to declined; students transferred and fewer students applied.

The court has recently ruled in favor of dual enrollment and St. Clements will remain open in September of 1971. But given the experience of programs of longer duration the prognosis for St. Clements dual enrollment program is not good. Enrollments have continued to decline and the long delay in the court decision panicked many parents thus accelerated this trend. Whether the courts decision will stabilize this trend is problematical. The dual enrollment program offers St. Clements temporary financial relief but it is doubtful whether it is enought to sustain the program. The loss of several sisters for example would jepodize this tenuous financial balance.

CASE STUDY SEVEN

Dual Enrollment* with Leased Facilities

Warren Consolidated Schools
and
St. Anne's Parish

Warren, Michigan

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*Several of the documents quoted in this case study use the term "shared time" instead of the equivalent term dual enrollment. The difference is one of symantics only.

Overview

In 1963, the Board of Education of the Warren Consolidated School District commissioned an extensive feasibility study on dual enrollment. The findings of the committee which conducted the study lead directly to the establishment of a dual enrollment Catholic High School in 1965, and an elementary school program involving leased facilities which began in 1969. The high school programs presently enrolls 260 students while the elementary school has 612 dually enrolled youngsters.

The major significance of the Warren Consolidated - St. Anne's venture is that it presents a vivid example of how well a program can operate when a spirit of cooperation exists between public and parochial school officials. This case study highlights the comprehensive cooperative planning that went into the program.

Background

The Warren Consolidated School System serves some 33,000 people in a 30 square mile area six miles north of the city limits of Detroit. Approximately 75 percent of the population is Catholic. The percentage of Catholics is increasing but the overall population is declining. In 1964, for example, less than 50 percent of the 57,000 people in the district were Catholic.

The Schools

St. Anne's is the only Catholic High School in the district. When St. Sylvester's School grades one through four closes this June, St. Anne's will be the only elementary school in the district.

The Warren Consolidated School System operates some 30 elementary schools.

Events Preceeding Dual Enrollment

A U.S. Office of Education study, Dual Enrollment in Public and Nonpublic Schools, published in 1965, provides the following excellent account of the events that lead up to the dual enrollment programs in the Warren Consolidated School District.

> Preliminary discussions regarding dual enrollment began in early 1963 among school officials of the Archdiocese of Detroit and the officials of the public and nonpublic schools of Warren. Representatives of the archdiocesan school office encouraged the St. Anne officials to explore the desirability and feasibility of a dual enrollment arrangement among the Warren public schools and the St. Anne Elementary School and the proposed St. Anne High School.
>
> At a meeting of the Warren Board of Education in late May, 1963, a lay member of the St. Anne Parish presented a proposal to the effect that a dual enrollment program should be considered between St. Anne's Elementary School and one of the public junior high schools.
>
> Public school officials said that exiting public school buildings in the district were 'not adequate' to accommodate the increased enrollment that the program would bring to certain seventh and eight-grade 'specialized facilities' such as laboratories, ships, and gymnasiums. Consequently, the grade span for the program was revised to include only grades nine through twelve. However, the board unanimously passed the following motion to establish a special committee to study the question of a dual enrollment program in Warren:
>
> The Superintendent of Schools be authorized to form a committee appointing members from the public and parochial schools, as he sees fit, to

> study the shared-time program that may be implemented in the school district by September, 1964, if feasible and equitable.
>
> The superintendent organized a 34-member Committee for the Study of Shared Time, comprising persons from local parent-teacher associations, homeowner groups, service clubs, and churches of various religious denominations in district, plus representatives of St. Anne's Parish and the board and administrative staff of the public school district.
>
> Meeting on eight occasions from November, 1963, through August, 1964, the committee developed recommendations which were submitted to the Warren Board of education on September 9, 1964, with the endorsement of the public school superintendent. On September 23, 1964, the board adopted the recommendations of the committee and authroized the superintendent to proceed to arrange a program with St. Anne's School.

The work of the Committee for the Study of Shared Time has proven to be invaluable. First of all, by itself, it established a model for cooperation by including in its membership a people representing a large number of diverse groups within the community. The Committee involved public and parochial school people as well as people from several civic organizations in its first discussion of dual enrollment. The Committee thus established a precident, which continues today, of garnering community-wide interest and support for dual enrollment. Secondly, the findings and the guidelines contained in the Committee's final report are still used today as the basic operating procedures in the elementary and high school dual enrollment programs. The

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[1] Gibbs, James E.; Solzolowski, Carl J.; Steinhibler, A.W.; and Straser, William C., Dual Enrollment in Public and Nonpublic Schools, U.S. Office of Education Publication, OE-24014, Cir. No. 772, Washington: U.S. Government Printing Office, 1965, p. 35.

report clarifies eight basic issues and sets policy guidelines on nineteen specific topics. These issues and topics are identified in Figures 1 and 2 respectively.

Figure 1

Basic Issues Clarified By The Committee For The Study of Shared Time.

1. Legality
2. State aid to public schools
3. Public schools and facility requirements
4. Accreditation
5. Athletics
6. Transportation
7. Transfer of registration
8. Shared time limitations

The Committee's explication of these issues is contained in Appendix 1.

The nineteen topics for which the Committee wrote guidelines are identified in Figure 2 and are discussed in detail in Appendix 2.

Figure 2

Topics of Policy Guidelines Established By The Committee For The Study of Shared Time

1. Philosophy of Shared Time
2. Definition of Shared Time Program
3. Definition of Shared Time School
4. Definition of Shared Time Student
5. Accreditation Standards
6. Athletics
7. Attendance
8. Class Composition
9. Conduct
10. Counseling Students
11. Course Subjects
12. Extra-Curricular Activities
13. Graduation
14. Permanent Academic Records
15. Registration
16. Report Cards
17. Transportation
18. Mutual Responsibility
19. Shared Time Agreement

Most dual enrollment programs are established with a certain informality. Policies are generally made as they are needed and they are seldom written. Public and nonpublic school officials in the Warren Consolidated - St. Anne's Program worked out a statement of philosophy and a comprehensive set of policy guidelines before a formal proposal for a dual enrollment program was ever discussed. The success of the two programs described in what follows is clearly attributable to this early cooperative effort.

The High School

Shortly after the board of education received the final report from the Committee for the study of shared time a proposal for a dual enrollment plan for high school youngsters was submitted. Up until this time, St. Anne's operated a large elementary school but did not have a high school. The parish proposed that it construct a "Shared-Time" High School if the Board would agree to allow dual enrollment with the public high. It was proposed that the Catholic facility include eight classrooms, an office, an audiovisual room, a small library, and necessary service rooms. The plan called for the students to use the cafeteria and gymnasium in the public high school. The Catholic school library would include only those volumes needed for the subjects to be taught in the Catholic facility. These were expected to include social studies, language arts, English and Religion. The facility was to open in September, 1965, and enroll a ninth grade.

Each year a grade was to be added until 1968 when the full complement of 240 students, 30 in each of 8 classrooms, would attend grades nine through twelve. The Catholic school would be responsible for grades, attendance, report cards and would graduate the students. The Board approved the plan and the program has developed exactly as proposed.

In the 1970-71 school year, St. Anne's High School dually enrolled 260 youngsters, twenty more than initially planned. These pupils study Religion, English, social studies and language arts in the Catholic school and mathematics, science and elective courses in the public school. The public high school offers more than 110 courses which the dually enrolled student may choose. All students' are scheduled by the public school computer.

The ninth and tenth grade students pursue a core curriculum. The ninth grade spends the morning at St. Anne's and the afternoon at Warren Consolidated; the tenth grade has the opposite schedule. Many eleventh and twelfth grade students take several elective courses and often walk between the two schools two or three times a day. The schools are less than a half mile apart. The staff at St.Anne's includes seven teachers, a librarian and the principal. Three of the teachers are lay people,the rest of the staff are nuns.

Administrative relations between the two schools are excellent, the program runs smoothly and unlike the programs in other communities,its future looks promising.

The Elementary School

Early in the 1968 school year, the St. Anne's Board of Education and Church Committee began to discuss the necessity of lowering the parish subsidy to the school. Since the high school was established on a dual enrollment basis with Warren Consolidated, a meeting between public and parochial school officials was arranged to discuss the possibility of a dual enrollment program in the elementary grades. The public and parochial school boards met in December, 1969 and with little or no difficulties, made the following decision:

1. Warren Consolidated would lease 12 classrooms, gym, and office area of the St. Anne's building.

2. Grades three through eight of the St. Anne's enrollment would spend 1/2 day on the St. Anne side of the building and 1/2 day on the side leased by Warren Consolidated, and

3. Warren Consolidated would pay the complete salaries of a Principal for their side of the building, secretary, a teacher for physical education, art, music and 12 classroom teachers.

St. Anne's was experiencing serious financial difficulties and without the help of a dual enrollment program, the school would have been forced to cut back on its program. This could have caused serious overcrowding in the public schools depending on the size of the cut back. Furthermore, the public school could not accomodate a dual enrollment program in its own facilities. The dual enrollment program was seen as a way to help both schools and to provide the children in the community the best overall educational program possible. The precident of public-non-public school cooperation had been firmly established by the high school program. The dual enrollment program between St.Anne's and Warren Consolidated Arden elementary school opened in September, 1969.

The details of the 1969-70 program are shown in Figure 3.

Figure 1

Details of the Arden-St.Anne's Dual Enrollment Program, 1969-1970

	Arden (W.C.S.)	St.Anne
I	Administration	
	one principal	one principal
	one secretary	one secretary
II	Teachers	
	12 classroom teachers	14 classroom teachers
	3 part time music teachers	
	1 physical education teacher	
	2 art teachers (1 full-time, 1 part-time)	
III	Students	
	Original enrollment -580	780-580 shared time plus 200 1st and 2nd grades not on shared time
IV	School Day A.M. and P.M.	
	Schedules similar	Schedules similar
	A. Grades 3 and 4 Science, Math, Health, Spelling, Phys. Ed., Art, Music	A. Grades 3 and 4 English, Reading, Religion, Reading Skills

Figure 1
(Continued)

Arden (W.C.S.)	St. Anne
B. Grades 5 and 6 Science, Social Studies, Math, Phys. Ed., Art, Music	B. Grades 5 and 6 Religion, Language Arts, Electives
C. Grades 7 and 8 Math, Science, Phys. Ed., Art, Music	Grades 7 and 8 Religion, Language Arts, Social Studies

The administrative policies for the program are identical to those established by the Committee for the Study of Shared Time. (See Appendix 2). The program's second year of operation differed from the first in only one respect. Enrollment increased from 580 to 612 students in grades 3 to 8.

Finances

In operating the dual enrollment program in leased facilities, the public school board incurs three major expenses: salary, rent, and ultilities. The principal of the Arden Elementary School estimates that the salary expense amount to approximately $180,000 annually. The terms of the lease call for rent in the amount of $16,800 and payment of $8,200 per year for heat, light, custodial supplies and water (cf Appendix 3). The total public school expense comes to $205,000. The school district does recieve a prorata reimbursement for the dual enrolled students. The exact amount of this reimbursement was not available but one public school official set it at $182,000 per year. If this figure is in any way inaccurate, it errs on the high side. Given this state reimbursement figure, the dual enrollment program costs the Warren Consolidated Schools approximately $35,000 a year.

Conclusions

The dual enrollment-leased facility programs operated by the Warren Consolidated schools and St.Anne's parish are highly successful. The programs serve to illustrate the significance of local cooperation between public and nonpublic school officials. This has been a very difficult year for parochial schools in Michigan. Several dual enrollment programs previously considered successful are closing in June. The Warren Consolidated - St.Anne's programs will continue next year. Their resilience in the face of adversity stands as testimony to the comprehensive cooperative planning that preceded the establishment of the programs.

APPENDIX 1

Issues Clarified by the Committee for the Study of Shared Time

Issues Clarified by the Commission
for the Study of Shared Time

1. Legality. An opinion has been received from the State Department of Public Instruction that shared-time programs are legally permissible in the State of Michigan at the option of the local school board.

2. State Aid to Public Schools. Public schools receive state aid on the basis of students in the school. When a student is in attendance for only a portion of his curriculum, the public school will receive a prorated portion of the aid attributable to that student. Thus, a student participating in the contemplated program would entitle the public school to one-half of the normal amount attributable to the student if he takes one-half of his subjects at the public school.

3. Public School Staffing and Facility Requirements. The number of students attending full-time parochial high schools is insignificant. For this reason the Warren Consolidated School District has not considered the number of full-time parochial students in their projections and have planned the necessary staff and facilities for accepting all high school students living within the school district. Therefore, the introduction of a shared-time program will not result in increased facilities because some subjects, such as science, will use facilities as planned.

The teaching requirements of other subjects, such as English, will decrease because of shared-time. Students enrolled under this plan will study the course at the shared-time school. However, the committee believes that the normal population growth will provide sufficient public high school students to replace those who may enroll in a shared-time high school program.

4. Accreditation. The existence of a shared-time program within the school district will not affect the public school's accreditation by North Central Association or University of Michigan. The committee has been advised that the accreditation authorities could not grant accreditation to a parochial school operating under this contemplated program. This advice is based on present rules, however, and does not preclude the possibility of the rules being changed.

5. Athletics. The committee feels that students attending a parochial school under a shared-time program should be permitted to participate in inter=scholastic athletics at the public school if the parochail school does not carry its own program. At present the Michigan High School Athletic Association does not have a specific rule covering this. However, a subcommittee is continuing to work in an effort to obtain a formal ruling that a student who is attending two schools under a shared-time program may participate in inter-scholastic athletics sponsored by the public school, provided the parochial school does not sponsor inter-scholastic athletics.

6. Transportation. While no change is advocated in the Board's present policy with regard to transportation at both the beginning and end of the school day, the committee feels it is

not the responsibility of the school district to provide transportation in the middle of the day for students participating in the proposed program.

7. Transfer of Registration. The public school is required to accept, for full-time instruction, all students living within the school district who make application, regardless of when the application is made. It is advocated, however, that all parties concerned agree that a student participating in this program refrain from transferring to a full-time public high school other than at the beginning of the school year.

8. Shared-Time Limitation. Practical considerations may require the limitation of shared-time schools, for example, distance between participating schools.

APPENDIX 2

Policy Guidelines Set by the Committee for the Study of Shared Time

PHILOSOPHY OF SHARED TIME

The American concept of society depends upon the continuous acceptance of certain fundamental religious truths and values as approached from various points of view. The concept accepts the religious and cultural pluralism of our nation.

Parents are responsible for their children until they reach their maturity. Although the state requires the child attend school, it is the parents' responsibility to select the educational institution, public, parochial or private.

Public school education originated and was established on the concept that it is the community's obligation to provide ALL children a full secular educational program dedicated to preparing the child to take his place in society as a contributing member.

A Parochial school also provides an educational program dedicated to this same end. However, the curriculum of a parochial school is oriented to a specific and prescribed set of beliefs, values or concepts subscribed to by the parents of the children enrolled therein.

The Shared Time Program in the Warren Consolidated School District suggests itself as a realistic community solution to the pluralistic facts of our community. This program proposes to permit parents to voluntarily choose for their child the advantages of maximum available parochial education while also taking advantage of existing public school facilities. To those who find such a program desirable, this would serve to provide as complete an education as the community and church has to offer without undue financial strain upon the community. Thus, this program will broaden the educational opportunities of the community.

Further, this is an opportunity for all children in the community to recognize, appreciate and experience the religious and cultural pluralism of our society.

This program is planned to avoid any detrimental commitments being imposed upon any participating party. The primary objective is to provide the best education for the benefit of the child, the community and the country.

SHARED-TIME PROGRAM

A shared-time program is a cooperative community effort to fully utilize educational facilities to meet the needs and requirements of the community's children.

SHARED-TIME SCHOOLS

A shared-time school is defined as a church supported (parochial) school which is located within the Warren Consolidated School District, offers approximately one-half or more of the student's curriculum in grades 9 through 12 and has entered into a shared-time agreement under this program.

SHARED-TIME STUDENT

A shared-time student is defined as one who lives within the Warren Consolidated School District and voluntarily elects to attend a shared-time (parochial) school.

Students from the shared-time (parochial) school will attend both schools for part of the school day, either morning or afternoon, with only one move from school to school per day.

ACCREDITATION STANDARDS

Warren Consolidated School District high schools will maintain a comprehensive program, staff, and facilities meeting the accreditation standards of the North Central Association and the University of Michigan. It is recommended that shared-time schools establish a working relationship directly and independently with the North Central Association and the University of Michigan and provide a program, staff, and facilities (including library) in keeping with the North Central Association and the University of Michigan standards for English, Social Studies, and any other subjects which may be added to shared-time school offerings.

ATHLETICS

Inter-scholastic athletics will be in keeping with the rules, policies and interpretations of the Michigan High School Athletic Association and specific agreement to be entered into by the public school and shared-time school.

ATTENDANCE

The shared-time student will attend the shared-time school for one-half of the school day, either morning or afternoon, and the public school for the other one-half of the day. Attendance will be in keeping with the calendar of each school considered separately. While each school will maintain supporting evidence of attendance, it will be the responsibility of the parochial school to verify that shared-time students fulfill compulsory attendance laws.

CLASS COMPOSITION

The public school will schedule both shared-time students and full-time public school students in the same class insofar as facilities permit.

CONDUCT

The student must meet not only the academic standards of each school, but also those standards related to effort and citizenship.

COUNSELING STUDENTS

The basic responsibility for counseling shared-time students in the selection of courses rests with the shared-time school which will furnish the public school with the student's desired program. Parents of shared-time students are encouraged to consult with the principals of the separate schools on all matters pertaining to the portion of the program taken at that school.

COURSE SUBJECTS

The course subjects to be taught by each school will be mutually agreed upon by the public school and the shared-time school.

EXTRA-CURRICULAR ACTIVITIES

In general, shared-time students will participate in extra-curricular activities which relate to the school as a whole or to a particular year's class (Freshman, Sophomore. . .) with the shared-time school only. A shared-time student may participate in extra-curricular activities sponsored by the public school when those activities relate to particular public school courses (including physical education and intra-scholastic athletics) in which the student is enrolled or which are offered to all students in attendance during a given portion of the day. Eligibility for attendance at social functions will be left to the discretion of the administrators of the particular schools involved.

GRADUATION

The shared-time school will be responsible for the determination of eligibility for and issuance of diplomas to shared-time students.

PERMANENT ACADEMIC RECORDS

Permanent academic records of a shared-time student shall be maintained by the shared-time school.

REGISTRATION

The shared-time student will register at the shared-time school and is expected to complete the school year in that school.

REPORT CARDS

The shared-time school shall be responsible for issuing report cards to parents which will include the scholastic record made in the public school.

TRANSPORTATION

Transportation in the middle of the day for shared-time students will be the responsibility of the shared-time school or the individual shared-time student as determined by the shared-time school.

MUTUAL RESPONSIBILITY

The shared-time school program may be regarded as an opportunity accorded to the involved students through the mutual interest and cooperation of the schools and parents. In order to make the plan workable in the best possible manner, there are certain responsibilities mutually bearing upon all concerned.

Each school will share the responsibility of providing accessible records, cooperative scheduling and counseling, respect for each other's problems and discipline, and of keeping parents informed. The parents' responsibility lies in full cooperation with both schools and in guidance of the respective child in his share of the responsibility. The student is responsible for accepting the class assignments and the rulings and discipline of the respective schools. This should be mutually agreed upon prior to registration and in open accord by all concerned.

SHARED-TIME AGREEMENT

Parochial schools desiring to avail themselves of the benefits of this program will present a proposal to the Superintendent of the Warren Consolidated School District indicating the detail of conformity to the operating policies of this program, courses to be taught in the shared-time school, the contemplated date to begin the program and the number of students to be involved. The Superintendent shall be responsible for determining the ability of the parochial and public school to fulfill the operating policies of this program. The Superintendent shall have the authority to judge the feasibility of the particular proposal and the starting date, if the proposal is acceptable.

APPENDIX 3

The Lease Between the Warren Consolidated Schools and the Archdiocese of Detroit on Behalf of St. Anne's Parish.

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LEASE AND AGREEMENT AS TO SHARED TIME

This lease made this 6th day of March, by and between JOHN CARDINAL DEARDEN, ROMAN CATHOLIC ARCHBISHOP OF THE ARCHDIOCESE OF DETROIT, 1235 Washington Boulevard, Detroit, Michigan, 48226, the lessor, hereinafter designated as the landlord and WARREN CONSOLIDATED SCHOOLS, a School District of the 4th Class, Macomb County, with offices at 29900 Lorraine, Warren, Michigan, the lessee, hereinafter designated as the tenant.

WHEREAS, St. Annes School, situated in the Warren Consolidated School District, with an enrollment of approximately 900, finds it impossible to provide classes and educational services to all enrolled students for the school year 1969-1970, and,

WHEREAS, St. Annes School, with shared time assistance for grades 3, 4, 5, 6, 7, and 8, could provide classes and educational services for the school year 1969-1970, and,

WHEREAS, St. Annes School, by and through its School Board, in conjunction with the Reverend FRANK J. WALSH, pastor of St. Annes Roman Catholic Church, and his Excellency, JOHN CARDINAL DEARDEN, ROMAN CATHOLIC ARCHBISHOP OF THE ARCHDIOCESE OF DETROIT, Who, by virtue of the statute of the State of Michigan, holds title to St. Annes School, have offered the use of the single story structure on the north side of the elementary complex to the WARREN CONSOLIDATED PUBLIC SCHOOLS, to be operated as a public school, housing a shared time program with St. Annes School; and

WHEREAS, the use of said school by the Warren Consolidated Public Schools would provide school facilities in which classes could be conducted, and,

WHEREAS, an additional amount of State Aid would be available to the School district as a result of an increased enrollment, due to a shared time program; and,

WHEREAS, such a lease and program would be beneficial to the students and to the taxpayers of the district;

NOW THEREFORE it is mutually agreed as follows:

JOHN CARDINAL DEARDEN, ROMAN CATHOLIC ARCHBISHOP OF THE ARCHDIOCESE OF DETROIT, hereinafter referred to as the landlord, for and in consideration of the rents to be paid and the covenants and agreements to be performed by the tenant, does hereby lease unto the tenant the following described premises consisting of the north half of an elementary building complex that faces Arden Avenue, situated in the City of Warren, Macomb County, Michigan, premises at 3200 Mound Road, including 12 classrooms, a library, gymnasium, and school offices, subject to the following terms and conditions:

1. The tenant shall have and hold the demised premises with the rights, privileges, equipment, fixtures, desks, chairs, and tables, for a term of one year, commencing July 1, 1969, from 7:00 A.M. to 5:00 P.M., Monday through Friday, each formal school week.
2. Tenant hires the premises for the term herein mentioned;

and, in consideration of the peaceful use and enjoyment thereof, and the performance of all the other terms and provisions hereof to be performed by lessor, agrees to pay lessor, as rent for said premises, the sum of Sixteen Thousand and Eight Hundred Dollars ($16,800) payable in ten equal payments of One Thousand Six Hundred and Eighty Dollars ($1,680) starting September 1, 1969.

3. The demised premises shall be used and occupied for educational purposes, including, but not limited to, the teaching of curriculum,as determined by the Board of Education, in the following grades: 3, 4, 5, 6, 7, and 8;
4. The tenant shall pay for expenses of heat, light, custodial supplies and water by paying the lessor a sum of Eight Thousand Two Hundred Dollars (8,200) in ten equal payments starting September 1, 1969.
5. Lessor agrees to furnish the full cost of all such services as are reasonably required for the operation and maintenance of a well maintained school as lessor's contribution to the shared time program. This agreement means the full cost of operation and replacement of such items as the boiler, hot water heators, building proper, and all other items essential to the normal expected operation of a school.
6. Tenant may, at its own expense, make such alterations, modifications, and improvements to the premises, including the building and equipment, as tenant may deem necessary,

provided tenant shall make no structural alterations or remove any building equipment without the prior written consent of lessor. Upon the expiration of this term, tenant, at lessor's written request, shall remove alterations, modifications, and improvements installed by tenant and restore the premises to the conditon existing prior thereto. In the absence of such a request made prior to the expiration of the term hereof, all such alterations, modifications, and improvements shall remain upon and be surrendered with the premises at the termination of the lease; provided, however, that tenant may remove all its furniture, office machines, equipment, teaching aids, but shall restore the premises to the condition existing immediately prior to the installation thereof.

7. Lessor shall furnish to tenant student desks and a teacher's desk for each classroom. Lessor shall further furnish two backboards, scoreboard, clock, and bleacher seats in the gymnasium, equal to those now existing.

Tenant covenants not to assign or transfer this lease or sublet the premises or any part thereof without the witten consent of lessor.

8. Tenant shall procure, at its own expense, a standard owner, landlord and tenant liability policy with respect to the demised premises for the benefit of lessr and tenant in the sum of:

$100,000 each person-$300,000 each occurrence-
$600,000 aggregate products

$300,000 each person-$500,000 each occurrence-
$1,000,000 aggregate products

$100,000 each occurrence-$200,000 aggregate--Property
Damage

and shall keep such insurance in force during the term hereof. Such insurance may be furnished by tenant under a blanket policy carried by it, or under a separate policy therefor. Tenant shall, at the request of lessor, furnish to lessor a copy of the policy, evidencing such insurance, or a certificate of the insurer, certifying to the issuance of such policy.

Lessor shall insure the contents of said building, excluding equipment provided by tenant, and such policy of insurance shall provide a loss payable clause as interests may appear, and tenant shall have no responsibility to lessor for any loss occasioned by any occurrence normally covered in a fire and extended coverage policy of insurance.

Lessor shall have the right to enter upon the premises at all reasonable hours for the purposes of making repairs as may be necessary, and lessor shall provide at lessor's expense custodian or maintenance man at all hours that school is in session to perform services contemplated by this lease which could not or should not be performed at other times.

The Tenant agrees to idemnify and hold harmless the Landlords from any liability for damages to any person or property in or about said premises, which arise from or in any manner grow out of any act or neglect by lessee, lessee's agents, employees, invitees, contractors, and subcontractors; and Tenant will procure and keep in effect during the term hereof public liability and property damage insurance for the benefit of the Landlord in the sum of One Hundred Thousand Dollars ($100,00), for damages resulting from one casualty, and Two Hundred Thousand Dollars ($200,00) property damage insurance resulting from any one occurrence. Tenant shall deliver said policies to the Landlord and upon Tenant's failure so to do the Landlord may, at his option, obtain such insurance and the cost thereof shall be paid as additional rent due and payable upon the next ensuing rent day.

9. Any dispute over services supplied or not supplied between the parties or any request by the tenant to use said premises at other times than specified herein shall be resolved by a building committee composed of the president of the St. Annes Board of Education and an administrator of the Warren Consolidated Schools and a third party mutually agreed upon by the respective presidents.

10. The lessor shall, at its own expense, promptly comply with all lawful laws, orders, regulations, or ordinances of all municipal, county, and state authorities affecting the

premises hereby leased and the cleanliness, safety, occupation and use of same.

11. The Landlord covenants that the said tenant, on payment of all the aforesaid installments and performing all the covenants aforesaid, shall and may peacefully and quietly have, hold and enjoy the said demised premises for the term aforesaid.

12. At the beginning of the program an inventory shall be made by each, lessor and tenant, of the equipment and contents that both shall supply for the program. A copy of each list shall be furnished to the other party. At the conclusion of the year's operation, an inventory shall again be taken jointly and the difference settled mutually.

13. It is mutually agreed by both parties that each shall notify the other by February 1, 1970, as to its intent to continuing this contract for another year.

14. It is understood by both parties that all pupils involved in this program shall be legal residents of the school district of Warren Consolidated Schools.

IN WITNESS WHEREOF, the parties have hereto se their hands and seals the day first above written.

Witnessed by:

__________________________ ______________________________

JOHN CARDINAL DEARDEN,
ROMAN CATHOLIC ARCHBISHOP
OF THE ARCHDIOCESE OF DETROIT

____

____

WARREN CONSOLIDATE SCHOOLS

By ______________________________
President

(CS:7):31

By

____
Secretary

These changes are agreed upon by both parties for the balance of this contract. (The reference to libraries be deleted in: Item #1, page 2; and item #7, page 4.)

Witnessed by:

______________________________ ______________________________
ARCHDIOCESE OF DETROIT

______________________________ By

______________________________ ______________________________
President

By

____
Secretary

CASE STUDY EIGHT

Dual Enrollment in Leased Facilities

Marlborough School Board and St. Ann's School

Marlborough, Massachusetts

Overview

In Marlborough, Massachusetts, the City School Department and the Immaculate Conception Parish have established an educational plan and mechanism whereby all the young residents of the City are offered an opportunity to receive a part-time public school education and a part-time parochial school education. Two-hundred and sixty-three children in grades one through four are presently enrolled in this partnership dual enrollment program in which the public school classes operate in four leased classrooms in the St. Ann's School.

Background

Marlborough is a town of about 20,000 people, 30 miles west of Boston. Approximately fifty-five percent of the community are Roman Catholics. The Catholic elementary school, St. Ann's, has experienced the same decline in pupil enrollment and lose of Catholic nuns as has its confreres across the nation. For example, five years ago the school enrolled 760 students, today, 605 boys and girls study in St. Anns'. Last year at this time, 75 pupils had registered for September, 1970, thus far, only 39 have registered for this coming September. Five years ago, 14 sisters taught in the school, today St. Ann's has eight nuns on the staff.

Events Leading up to the Program

The first plans for aiding St. Ann's in Marlborough were made in 1967. In that spring, the school committee approved a plan for paying part of the salaries of the lay teachers in the Catholic schools. Interestingly enough, a Catholic pastor convinced the Board to reconsider their action. He pointed out that such a plan would never pass the Anti-Aid Amendment of the Massachusetts Constitution .

Three years later, in the spring of 1970, the Marlborough Plan was propossed to the school committee. In presenting their case, Catholic school officials did not ask for aid, but rather announced that they would no longer be responsible for the teaching of spelling, mathematics, science, art, music and social studies for children in grades one through four. The rationale underlying their strategy was that the public school would by default have to assume responsibility for these subjects.

The former State Attorney General Edward Brooke had previously ruled that the public school can assume responsibility for instruction of parochial school children in selected subject matter areas but that the school board is not legally obliged to do so.

The Marlborough School Board choose to assume responsibility for instruction of these children in the six subject areas. The administrative scheme they choose to accomplish this purpose was dubbed the "Marlborough Plan" 'which as previously described involve a combination of dual enrollment and leased facilities. The Plan was approved by a vote of three to two in June of 1970.

The Program

The Facility

The dual enrollment program operates in a single school building formerly named "Immaculate Conception School." The name has been removed from the exterior wall of the building and the school is presently designated as the "Shared Time School." The city of Marlborough School Department leases the entire first floor of the school building for $1.00 per school year. This includes four classrooms, corridor space, lavatories and an administration office. These leased facilities constitute the Public School Sector of the school building. Public school authorities have complete use and control over this Public School Sector from 8:15 A.M. to 4:00 P.M. on each day.

The Public School Sector is under the direct and exclusive control of the Marlborough Public Schools. No Sectarian Doctrine is taught in the Public School Sector during the regular school day. All symbols of a religious nature have been removed from the Public School Sector of the school building. The owner, Immaculate Conception Parish, provides heat, light, maintenance services, etc. In turn the Parish charges the Marlborough School Department 1/3 of the total building expenditures for these budget items.

The second floor of the school building, which duplicates the spaces and facilities on the first floor, constitutes the Private School Sector and Private School authorities exercise complete control and jurisdiction over the utilization of these spaces.

Enrollment Policies

Two-hundred and sixty-three students attend the "Shared Time School." Approximately one-half of the students attend the Public School Sector during the morning hours while the second half attend the Private School Sector. Those students who attend the Private School Sector during the morning hours transfer to the Public School Sector for the afternoon hours to complete the remainder of the school day. Those students who attend the Public School Sector during the morning hours are offered the opportunity to transfer to the Private School Sector for the afternoon hours or, if they so choose, to attend the Freeman Public School for the remainder of the school day.

Students who attend the Private School Sector in the afternoon are given the option of taking a religion course. No student is obliged to take this course as a prerequisite for recieving public school instruction during the other half of the school day.

This optional religion course in the private sector is clearly spelled out to each child and his parents at the time of registration.

Students who attend the public sector in the morning, may also choose to attend a public school in the afternoon. The Marlborough School Department has correlated the curricula of the "Shared Time" public school and the Freeman School, a nearby public school, so that each student has the opportunity to attend the public school full-time if he and his parents should so choose.

This option for a full-time public school education is clearly spelled out to each child and his parents at the time of registration.

In the first year of operation, 1970-71, no one exercised the option of attended the Freeman School and only one child attended the private sector without taking the optional religion course.

Administrative Policy

The public school sector is under the complete and exclusive control of the Marlborough School Department and is subject to the same policies and regulations which govern all other public schools operated by the Marlborough School Department. The Private School Sector has voluntarily adopted the same administrative procedures as those prescribed for the Public School Sector.

The "Shared Time School" operates on the public school calender and schedule. Attendence is taken in both the public and private sector of the facility in the morning and in the afternoon. The absentee lists are cross checked. The children recieve a report card from both the Parochial and the Public Sectors. The student file is kept by school officials in both sectors of the program.

Staff and Subjects

The four lay teachers who instruct in the Public School Sector are selected and employed by the Marlborough School Department which exercises complete and exclusive direction over these personnel. The four lay teachers provide instruction in the following subject matter areas: spelling, mathematics, science, art, music and social studies.

Instruction in all other academic areas including phonics, reading, English, penmanship, and all instruction of a religious nature are provided by four religious teachers who work exclusively in the Private School Sector for the entire length of the school day. The four religious teachers are employed and compensated by Immaculate Conception Parish and are subject to the direct control and jurisdiction of Parochial School authorities.

Legality

The city solicitor of the town of Marlborough has verbally ruled that the program is "acceptable." The details of the plan have been submitted to the State Attorney General with two questions. First, is the program Constitutional, and second, do the students in the "Shared Time School" qualify for prorata state aid? An opinion has not yet been rendered.

Finances

The public school expenses in the program are the salaries of the four teachers and 1/3 of the operating costs of the facility. During this present year, this will amount to approximately $30,000.

Conclusion

It is to early to draw any final conclusions about the "Marlborough Plan." The State Attorney General has not yet ruled on the case and because of this, registration figures for next year are unreliable. Registration is 50 percent below last years rate. Officials feel that many parents are waiting for a legal opinion before deciding where to enroll their child.

But regardless of its future, the "Marlborough Plan" has made a valuable contribution to the development of local cooperative programs. The plan involves a child enrolling in the public school sector of the Shared Time School with the option of enrolling in the Private sector of the school or in another public school. This arrangement by which a student could be dually enrolled in two public school is unique to the "Marlborough Plan." It allows for a dual enrollment program which does not necessarily segregate Catholic students from the public portion of the program. The fact that no one in Marlborough exercises the option to attend the Freeman School does not obviate the usefulness of the model or its possible application to other programs.

The students in the public sector of the Shared Time School would have been in these classes under Catholic auspicious had not the Marlborough Plan been established. This is a reflection on the community, not the organization mechanisms of the program.

The ability of the Marlborough Plan to "desegregate" the public school portion of a dual enrollment program will be better judged when the plan has been replicated elsewhere.

CASE STUDIES - NINE AND TEN

DUAL ENROLLMENT

Louisville, Kentucky
and Vicinity

Flaget High School
Louisville

Dual Enrollment

Dual enrollment is an arrangement by which children are simultaneously enrolled in two different schools. Dual enrollment usually involves a public and a nonpublic school. Sometimes referred to as shared time, the proportionate amount of time spend in each school varies from program to program.

Some very early dual enrollment programs involved students, particularly from Catholic Schools, enrolling in a nearby public school for one or two technical or vocational courses not offered in his own school. Such courses include shop, mechanical drawing, business education and home economics.

Other dual enrollment programs involve students taking half their classes in one school and half in another. The students in a 50/50 dual enrollment program usually take the "secular" subjects - math, science, business - in a public school and the "value" subjects - religion, English, social studies - in the Catholic school.

While dual enrollment generally involves the students moving from one school to the other, the several programs operating in the Louisville area have developed a different scheme. In these programs the public school leases one or more classrooms in the Catholic school thus establishing a public school peninsula within the parochial school building. The leased classrooms are staffed, equipped and supplied by the public school board which is in every legal and educational way responsible for them. Such programs as these are called dual enrollment in reverse, since the public sector moves into the facilities of the private group.

Dual Enrollment in Louisville

The first extensive shared time program in Louisville was initiated in 1967 by the crisis closing of all the first grade classrooms operated by the Catholic schools throughout the city. The Catholic school superintendent informed the Louisville School Department in Spring 1966 that for financial reasons no Catholic first grade classrooms would be operating during the year 1967-68. Some 4,500 students were usually enrolled in these rooms.

The Catholic school superintendent, Father Thomas Casper, at the same time gave the Louisville School Board a list of Catholic school classrooms that would be available for leasing for 1967-68. In several parts of the city, Catholic facilities were available but not needed, while in other areas, Catholic facilities were sought by the public schools but unavailable.

Although exact figures are not recorded, approximately 400 youngsters were taught in some 14 classrooms leased by the Archdiocese to the Louisville Board of Education during the school year 1967-68.

This crisis scheme operated for one year only, after which the public school found space in its own facilities. The program was not challenged by State or local Boards of Education nor was any court action initiated to test their legality.

Dual Enrollment 1968-69

During the academic year 1968-69 six different Catholic schools in the Archdiocese of Louisville were involved in dual enrollment programs.

TABLE 1

Summary of Dual Enrollment Programs with Leased Facilities

Louisville, Kentucky and Vicinity

1968-1969

Parochial School Lessor	Public School Lessee	Number of Classrooms	Number of Teachers	Number of Students	Subjects Taught
Flaget High School Grades 8-12.	Louisville Board of Education	4	2 1/3	180	Biology, Physics Chemistry
Bethlehem Academy Grades 8-12	Bardstown Board of Education	1	1	50	General Science Biology
Bethlehem Academy Grades 8-12	Nelson County School Board	1	1	75	Business Education
St. Catherine School Grades 8-12	Nelson County School Board	1	1	45	Business Education
St. Lawrence School Grades 7-8	Jefferson County School Board	1 1/2	1 1/2	156	Math Science
St. Dennis School Grades 7-8	Jefferson County School Board	1 1/2	1 1/2	158	Math Science
		10	8 1/3	664	

Flaget High School in the West End of Louisville leased four classrooms in its bottom floor to the public school board. These four rooms were staffed and supplied by the public school and were operated as an annex to nearby Swanee Public High School. Some 180 Flaget students enrolled in Swanee annex for chemistry, physics and biology classes.

Bethlehem Academy, a Catholic girls school, leased one room each to the Nelson County and Bardstown School Boards. In these rooms, the public school operated classes in business education and science. The Nelson "annex" enrolled 75 girls from Bethlehem Academy while the Bardstown program involved 50 dual enrolled students. In addition a small number of Bethlehem students were in attendance for advanced physics classes in the regular facilities or Bardstown High School.

The final high school program involved St. Catherine School in New Haven, Kentucky, leasing one room to Nelson County for a public school class in business education.

Two Catholic junior high schools began leasing space to the Jefferson County School System in 1968. St. Dennis and St. Lawrence Junior High Schools each operated 1 1/2 public school rooms. A full-time public school science program is operated in each school; the two schools also participate in the Jefferson County math program. St. Dennis has math Tuesday and Thursday first semester then Monday, Wednesday and Friday second semester. St. Lawrence has a schedule which is the reverse of that of St. Dennis.

Data describing the six programs operating in 1968-69 are summarized in Table 1.

Dual Enrollment 1969-70

The Catholic Archdiocese of Louisville proposed some 23 dual enrollment programs to the City and County School Boards for the 1969-70 school year. The plans were not accepted in main part because both the city and county schools were experiencing an increase in both enrollment and expenses.

Legal History

The legal history of the 1968-69 dual enrollment/leased facility plans is marked by three separate rulings by the State Attorney General. Furthermore, these three rulings are preceded by three earlier court decisions relating to the questions of public schools leasing private school facilities.

The early court decisions are summarized as follows:

> 1917 - The Kentucky Court of Appeals rules unconstitutional the Public School leasing of classrooms in a Presbyterian College because the Public School Board permitted college officials to influence, operate, and control classes taught.
>
> 1928 - Crain vs. Walker: The Kentucky Court of Appeals ruled that a Public School Board could lease classrooms and supply staff to teach children in an orphan home operated by the Kentucky Baptist Church.

> 1956 - Rawlings vs. Butler: The Court of Appeals ruled constitutional the public leasing of private facilities for use as public school classrooms "so long as the church in no manner attempts to influence or control the way the schools or classes are conducted or operated or how they are taught."

The first legal question concerning the leased facilities/ dual enrollment programs previously described was raised by Kentucky State Superintendent of Public Instruction, Mr. Wendell R. Butler. In early Spring of 1968, during the planning of the several dual enrollment programs, Mr. Butler sought the opinion of Attorney General John B. Breckinridge on the following question: Can the public school receive a proportionate amount of state aid for the part-time (dually enrolled) students just as it does for full-time students?

On April 8, 1968, the Attorney General ruled that dually enrolled students could be counted for a proportionate amount of state aid according to the scale set on the basis of average daily attendance.

Predicted on this assurance that the state would offer prorated support for dual enrolled students, program plans were finalized. On May 20 the Louisville Board of Education unanimously (5-0) voted approval to the shared time/leased facilities program between Flaget and Shawnee High Schools. Superintendent Butler, feeling that state guidelines for such programs needed to be refined with legal opinion, submitted the following list of questions to the Attorney General early in the Summer of 1968.

1. Is it legal for a teacher whose salary is paid with public money to teach non-public school children in a non-public school?
2. Can public schools receive state aid credit for non-public school students enrolled in public schools for less than half the school day?
3. Would a public school system have to pay for bus transportation for non-public school pupils who spend part of their day in public schools?
4. Would state aid credit be given a public school district for non-pupil school children who attend a state-operated vocational school on a shared-time basis?
5. Is it legal to use federal vocational education money to furnish transportation for non-public school pupils attending a state-operated vocational school part-time?

The Attorney General's responses to these questions, not forthcoming until September 3, 1968 were "no" to questions 1 and 3, "yes" to questions 2 and 4, and to question 5, Mr. Breckinridge ruled that it would depend on the specifics of the grant.

The final and most serious challenge to the shared-time programs came on September 11, 1968, from Mr. Ray Corns, legal Council to the State Board of Education. Mr. Corns felt that the proposed lease agreement between the Nelson County Board of Education and Bethlehem High School must be disapproved for the following reasons:

1. The proposed arrangement does not constitute true enrollment of Catholic pupils in a public school, but rather it "appears to be more in the nature of a public teacher enrollment in a parochial school system."

2. The classes would not contain both public and Catholic school pupils, as expressly approved in the Breckinridge ruling upholding shared-time programs.

3. The classrooms under consideration would be located in a church-owned and church-operated high school, contrary to the constitutional implications noted in Rawlings vs. Butler, Ky. (1956).

4. Public school classes could not be conducted in a room in which religious symbols adorn the walls.

5. It appears that the proposed lease agreement would be on such terms "as to constitute a donation of school funds to a parochial school," which is contrary to the Breckinridge ruling on shared time.

Furthermore, at the same time, Superintendent Butler announced that he received no request for permission or opinion on the specific details of the Flaget-Louisville program. Hence, he announced that he could make no statement on its legality.

Even while challenged by state education officials, the dual enrollment programs began on schedule in September of 1968.

The State Attorney General's office had received detailed description on each of the shared time-leased facility programs and a legal opinion was requested. On November 13, noting that the Catholic schools had agreed to "remove all religious insignia from the rooms involved" and that the Louisville and Nelson County School Board had looked elsewhere for space before turning to the Catholic facilities, Attorney General Breckinridge ruled that all the programs (cf. Table 1) were legal.

Flaget High School

Flaget Catholic High School in Louisville's West End operates an extensive leased facilities/dual enrollment program with Shawnee Public High School some four blocks away. The public school leases four classrooms in the basement of Flaget and supplies staff and equipment for the science instruction of some 265 students enrolled in the Catholic high school.

Flaget and the Community

Flaget, an archdiocesan high school, was once the pride of the Catholic School System. Operated by the Xaverian Brothers since it opened in 1942, Flaget had a peak enrollment of over one thousand students for several years in the early 1950's. Enrollment today totals 350 students. The construction of three other archdiocesan high schools in 1953, 58 and 60 on the east side and in the nearby suburbs, has clearly cut deeply into Flaget's enrollment.

The most significant factor effecting Flaget's recent history and forging its future is the community in which it is located. The West End of Louisville had been for years a stronghold of a white Catholic middle class. Sometime around the middle of the 1950's however, the community began to change. A not too uncommon scenario was played out: whites moving to the suburbs, blacks moving to the city. And indeed, in Louisville not just to the city, but to the West End. Although exact figures are not available, several sources estimate that the West End of Louisville is now 80 percent Black.

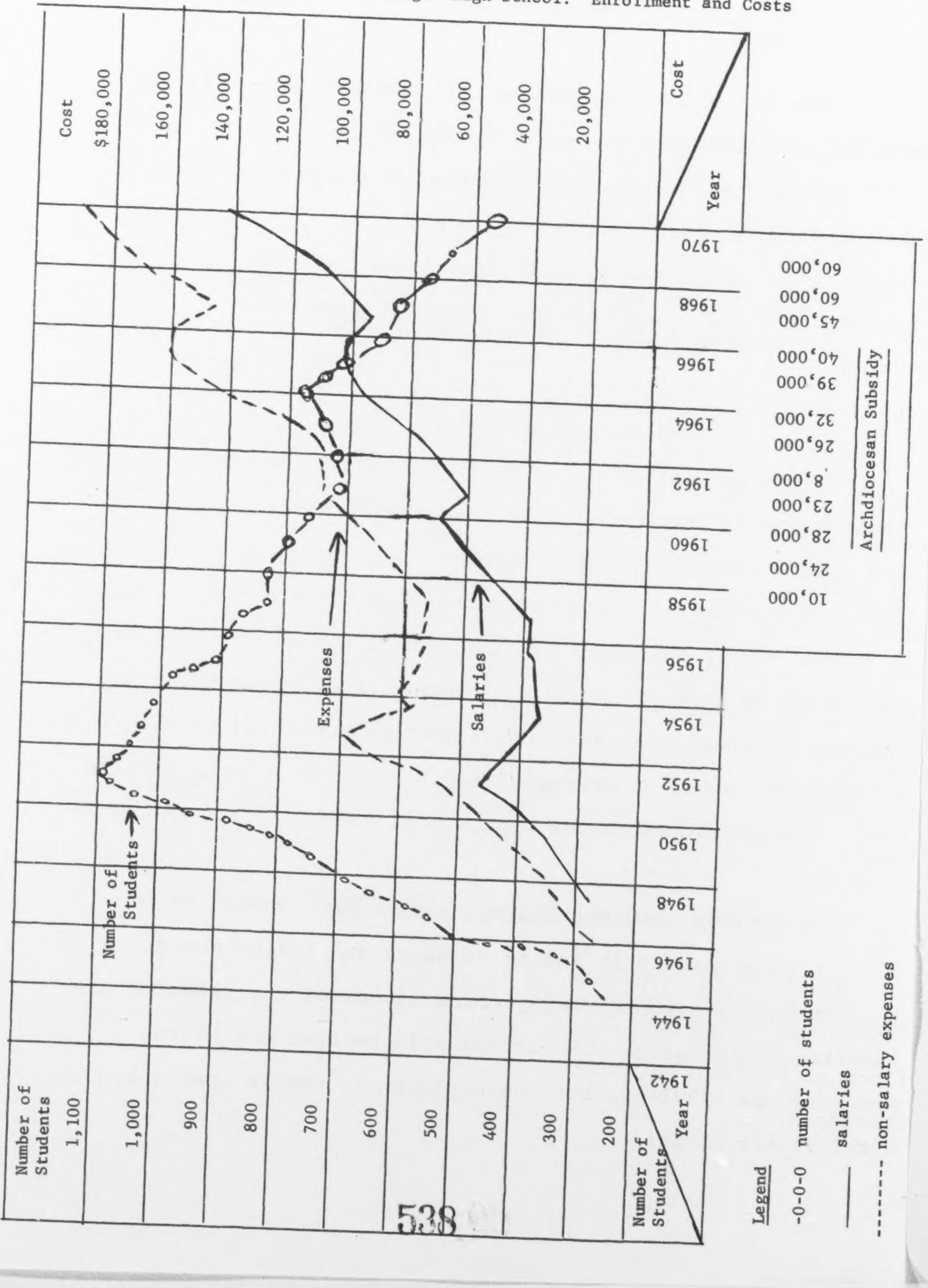
The rapid switch in the character of the West End population effected Flaget for two reasons:

1. Since the predominate religion of the blacks who moved in is Baptist, Flaget had a much smaller Catholic population from which to draw students, and
2. those Catholics who remained in the area were families who generally could not afford to move elsewhere.

The overall effect was a smaller pool of available Catholic students and of those available, a markedly reduced number who were able to support a school program. (Tuition at Flaget is $225 a year while at the other three diocesan schools, tuition is $400). Fewer Catholics who can afford the tuition fee, and the spiraling cost of operation, besets Flaget. The trend of diminishing enrollment and rising cost is portrayed in Figure 1. The subsidy, noted at bottom of the figure, is a grant, beyond tuition receipts, which the high school receives from the archdioceses.

The subsidy notwithstanding, Flaget High School is in serious trouble: it is losing students and losing money. A tuition increase would simply price it out of the range of the families in the area. The school will be open during the academic year 1971-72, but the decision to remain open thereafter is not certain.

Figure 1 Flaget High School: Enrollment and Costs



During the years that Flaget has been losing enrollment, the population of the West End has increased. The predictable outcome is a public high school filled to capacity. High school principal George Sauer remarks "we can just about handle what we have, we simply couldn't accommodate any more students." Since as early as 1966, the possible closing of Flaget has been mentioned. Such talk, of course, looms ominously over public school officials.

It is in this context of the Catholic school in crisis and the public school set in precarious population and financial balance, that serious discussion of shared time was undertaken. Financial expendiency is clearly the overriding motivation for both Catholic and public school officials involved in establishing the dual enrollment/leased facilities programs. The archdioceses finds shared time/leased facilities a way to keep Flaget operating while the Louisville Board of Education finds the arrangement far less expensive then absorbing the students that they would have on their hands if Flaget closed.

The Arrangement in Detail

The Board of Education of Louisville leases from the Catholic archdioceses four classrooms located in the basement floor of Flaget High School. The lease includes connecting corridors, and permanent equipment (tables, desks and chairs) for which the city pays $110 per room per month for ten months a year. The four classrooms are operated as an annex to the nearby public school, Shawnee High School. The public school supplies all staff, laboratory equipment and supplies, as well as any other supplies necessary for the operation of the classrooms. Books for the science courses taught in these classrooms are on sale in the Flaget bookstore at the same price for which students in the Shawnee building purchases them in their own bookstore. The Shawnee bookstore supplies the Flaget store with the necessary number of texts. Flaget supplies the utilities and janiorial service for the four classrooms.

The four classrooms are operated as public classes in every legal and educational sense.

Course, Teachers, Enrollment

In the first year of dual enrollment, 1968-69, a Shawnee High School biology teacher spent the entire day at Flaget, teaching a full five periods. Two other public school teachers were also involved: a chemistry teacher spent mornings at Flaget and afternoons at Shawnee while a physics teacher split his schedule between the two schools in the reverse order. Approximately 180 students were enrolled in these public school classes.

The enrollment in course for the year 1970-71 is displayed in Figure 2.

Figure 2

Enrollment in Course 1970-71
Dual Enrolled Students at Flaget High School

Course	Number of Classes	Number of Students
Chemistry	2	46
Physics	2	57
Physical Science	1	28
General Science	2	25
Biology I	5	79
Biology II	2	30
		265

Two full-time teachers and one teacher who splits hs day between Flaget in the morning and Shawnee in the afternoon teach these courses. The full-time instructors are in Biology and Chemistry/Physical Science/General Science while the part-time teacher is a physics instructor.

Grades

Strictly speaking, the grades the students earn are Shawnee grades, credited by the public school, which are to be transferred to their files at Flaget. In practices teachers record the grades at Flaget and a copy is later sent to be filed at Shawnee.

Attendance

Attendance for the dually enrolled student is taken by each "public" school teacher each period and recorded on form R R-30, "shared time attendance." (cf. appendix 1), Form R R-30 is required by the State Department of Education and is the record from which is calculated the prorated amount of state aid which the Louisville Board of Education earns from its dually enrolled students.

While the "public school" teachers at Flaget take attendance each period, the rest of the school has role once a day, during the first period. A list of absentees is drawn up and by second period, the list is posted throughout the school. The shared time teachers, although not required to do so, consult this absentee list throughout the day and check it against their own hourly absentee records. Any discrepancies are reported to the Flaget office. This arrangement operates by friendly agreement not by legal design.

Discipline and Academic Problems

Discipline and academic problems are handled by the individual teachers whenever possible. If the problem cannot be solved in the classroom, it would theoretically be referred to Mr. George Sauer, the Shawnee Principal, who is technically responsible for the operation of the classrooms. However, by "gentlemen's agreement" between the two principals, problems occurring within the Flaget building are handled by the Catholic school principal, Brother Kirby Boone, or his assistant principal, Brother Austin Reilly. Mr. Sauer has observed that since these two men work with the staff and the students on a day-to-day basis, they are in a much better position to handle any problems that might arise.

Staff

The staff teaching dual enrolled students are invited to all Flaget staff meetings and generally attend. At the same time, they always attend Shawnee faculty meetings since they are members of that staff.

The "Shawnee Annex" staff generally attend the Flaget parent/teacher meetings while only the physics instructor, who teaches in both schools, has occasion to attend Shawnee parent/teacher night. Individual meetings between parents and anyone of the shared-time staff are easily and smoothly arranged directly between the Flaget parent and the "public school" teacher.

Schedule and Calendar

The Flaget academic calendar has been changed to coincide exactly with the public school calendar. Flaget is on a highly flexible modular schedule while Shawnee is on a more traditional schedule of fixed class period. The difference in scheduling effects only the physics instructor, who teaches in both schools; however, he reports that the difference presents no problems whatsoever.

Mutual Obligations

The contract between the archdiocese of Louisville and the Louisville Board of Education deals exclusively with the leasing of the four classrooms. The educational policies described for grading, attendance, and so on, are all arrived at by gentlemen's agreement rather then by contractual agreement. The lease does not even include the stipulation that Flaget will pay "tuition" to the Louisville Board of Education for FLaget students in the shared-time program who live outside the public school district. This tuition payment has been made since the program began, but like almost everything else, it is something that is "worked out." (Appendix 2 shows a copy of an agreement between Jefferson County and the archdiocesan school office).

Finances

The exact cost of the dual enrollment program between Flaget and Shawnee is difficult to calculate. A reasonable estimate can be arrived at by considering four factors.

1. Rent - paid by the city of Louisville to the archdiocese
   of Louisville $110 per room, 4 rooms = $440
   $440 per month X 10 months = $4,400
2. Salaries - Paid by the Louisville Board of Education
   2 1/3 teachers, average salary for a Louisville teacher $7,100.00
   2 1/3 X $7,100 = $16,566
3. Tuition - paid by the archdioceses to the Board of Education
   actual figure for 1970-71 for 59 out of district students $5,499.27
4. State Funds - State Reimbursement for average daily attendance
   265 students in program
   1/6 fraction of day the students are in attendance
   $1.85 daily state payment for 1 student, in full day of attendance
   175 average number of school days per year
   265 X 1/6 X $1.85 X 175 = $14,376.35

   Factors 1 and 2, paid out by the Louisville Board of Education,

Expenses	1	$ 4,400.00
	2	$16,566.00
		$20,966.00

   Factors 3 and 4, paid to the Louisville Board of Education

Income	3	$ 5,499.27
	4	$14,376.35
		$19,875.62

Expense	$20,966.00
Income	$19,875.62
	$ 1,090.38 Cost of Program

For the year 1970-71, a fairly close estimate of the cost of the program for the Louisville Board is $1,090.38. This does not include supplies.

Flaget, of course, saves the price of teachers salaries, approximately $16,566.00, and the cost of supplies.

The "real cost" of the program for 1970-71 for the tax payers of Louisville is about one thousand dollars. The amount of money the city saves by helping to keep Flaget open is much higher than this. The average cost per child for education in Louisville is $624.00. This amount is shared in the following manner:

$314.46	City share
299.96	State share
10.06	Federal share
$624.48	

If Flaget closed, the city school system would have to absorb at least some of the students involved. A rough sense of what the closing of Flaget might cost the city can be easily calculated. Using just the city share of the per capita expense, we find:

If all 265 students went to Louisville Public Schools,

265 X $314.46 = $83,331.90

If only students in the district went to public schools,

206 X $314.46 = $64,778.76

If only 1/2 of all the students in the district went to public school

103 X $314.46 = $32,389.38

The additon of students from Flaget would, of course, change the per capita expense figure and would also change the state share of the per capita expense. Notwithstanding these "error factors" in our rough calculation, it is clear that the city is saving money by supporting the Flaget/Shawnee dual enrollment program.

Attitudes

All involved in the Flaget/Shawnee program speak of it most favorably. The teachers have no complaints about their dual nature and although it means a bit more work for the administrators, their feelings are echoed by Mr. Sauer when he said, "we are all in the business of education and since this program helps us serve more kids, we feel we want to give it our full support."

Parent response has changed from initial reluctance to enthusiastic support. The past and present Flaget PTA chairmen feel that time has proven silly their original concerns that the "public school" classes would not be up to par with the Flaget courses.

Conclusion and Prediction

The dual enrollment/leased facilities program between Shawnee and Flaget has worked effectively over the past two years because the people involved wanted it to work. Catholic school superintendent Fr. James Casper reports frankly, "The program works because Superintendent No 1 wanted to make it work. He sold his own people and then he sold the State Department people on the idea."

The relationships between the superintendents, principals, and teachers have been most amicable, and this accounts in main part for the success of the program. The program has not been without its problems, but the frequent and effective use of the "Gentlemen's Agreement" technique has enabled the program to grow and prosper.

Absent the good will of all involved, the program would never have gotten off the ground. Even it it did, it would have been crippled in very short order, tied up in legal questions of mutual rights and responsibilities.

Such is not the case, of course, and the smooth running of the program stands in testimony to the fine cooperation of those involved in setting up and operating the program.

Notwithstanding the assistance offered by the dual enrollment program, Flaget is in serious trouble. The problem has little to do with the education as such, but is essentially a matter of the community changing around the school: fewer Catholic students, and fewer of those who can afford to support a private school. The socio-economic trend which so critically confronts Flaget has not been remedied, by dual enrollment. Rather, dual enrollment serves simply to buffer and slow down the economic crunch put on Flaget by the changing nature of its neighborhood.

An the "Buffer effect" of dual enrollment appears to be short lived. Flaget will operate in 1971-72, but very serious doubt surrounds the question of its opening in September of 1972. A certain inevitability surrounds the future of Flaget High School. Dual enrollment never really offered a viable means of keeping the school operating for any great length of time. Dual enrollment simply postponed the inevitable for a year or two.

APPENDIX 1

Shared Time Attendance Form

COMMONWEALTH OF KENTUCKY
DEPARTMENT OF EDUCATION

DIVISION OF PUPIL PERSONNEL ATTENDANCE AND ACCOUNTING
SHARED TIME ATTENDANCE - TEACHER'S MONTHLY REPORT

_______________ School _______________ Month Beginning _______________ Ending ____

_______________ Class

	Pupil Number	Trans. Code	PUPIL'S NAMES	ENROLLED IN NON-PUBLIC SCHOOL	DATES																				
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	T
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35																									

TOTAL HOURS

NOTE: (TOTAL HOURS DIVIDED BY 6: record to nearest tenth) TOTAL AGGREGATE DAYS

_______________ Teacher's Signature

APPENDIX 2

Lease Agreement

THIS AGREEMENT between the BOARD OF EDUCATION OF JEFFERSON COUNTY, KENTUCKY, a body politic and corporate, Party of the First Part, and the OFFICE OF CATHOLIC SCHOOLS, ROMAN CATHOLIC ARCHDIOCESE OF LOUISVILLE, KENTUCKY, a non-profit corporation, Party of the Second Part.

WITNESSETH:

Upon mutual considerations of the parties, as hereinafter provided, IT IS AGREED AS FOLLOWS:

1. Due to financial pressures ST. DENIS and ST. LAWRENCE, non-public schools, operated by the Party of the Second Part, are no longer able to furnish a full curriculum in science and mathematics courses to its pupils, and therefore the Party of the First Part agrees to allow the official enrollment on a part-time basis of such pupils into the math and science classes being taught in the school system of Party of the First Part; and

2. Because of transportation problems, the absence of the availability of suitable space to accommodate the part-time public school students of the Party of the Second Part, scheduling, and other practical considerations, the Party of the First Part sufficient space and facilities to conduct said classes, it being understood that the space and facilities leased shall be used by Party of the First Part for the greater part of each school day, and that said space and facilities will be returned to the control of Party of the Second Part during the remainder of each school day.

3. It is material consideration to this agreement that the Party of the Second Part remove all religious symbols and insignia of any kind from the space and facilities herein leased during the term of this lease (inclusive of each and every day thereof), which term as hereinafter provided is for the school year of the Party of the First Part for 1969-70.

4. The Party of the Second Part will not conduct or permit any religious or moral instruction to be given on the leased premises at any time during the term of this lease.

5. It is understood and agreed by the parties that a violation of the provisions of the foregoing paragraphs 3 and 4 hereof will constitute a violation of material provisions of this agreement and will automatically terminate said agreement provided hereunder.

6. Necessary fixtures, maintenance and utility services (heat, light, water) for the proper furnishing and servicing of said leased premises will be provided by the Party of the Second Part at its expense.

7. The Party of the First Part hereby has and retains all privileges and responsibility for the conduct, control and supervision of the educational program to be conducted in the leased premises; and it is further agreed that the party responsible for the conduct, control, educational content of the courses taught, and supervision of the educational programs conducted on the leased premises shall be the Party of the First Part.

8. All staff members, including teachers and teacher aides, used in the educational program conducted shall be employed by, compensated by, and under the complete control and supervision of the Party of the First Part.

9. All textbooks, teaching materials, curriculum supplies and equipment, if any, necessary to the teaching of the aforesaid courses of instruction will be provided by the Party of the First Part.

10. This Agreement shall be effective for the school year of the Party of the First Part for 1969-1970, under the daily school term as determined and conducted by the Party of the First Part.

11. This agreement of the parties is made pursuant to and consistent with the authority of the opinions of the Attorney General of Kentucky dated April 3, 1968 (OAG 68-150), August 12, 1968 (OAG 68-423), and November 13, 1968 (OAG 68-585), and the applicable law referred to therein.

IN TESTIMONY WHEREOF, witness the signatures of the Parties hereto by their duly constitued officers.

BOARD OF EDUCATION OF
JEFFERSON COUNTY, KENTUCKY
Party of the First Part

By: ____________________
Richard VanHoose
Superintendent

DATE: ____________________

OFFICE OF CATHOLIC SCHOOLS
ROMAN CATHOLIC ARCHDIOCESE
OF LOUISVILLE, KENTUCKY
Party of the Second Part

By: ____________________
Rev. Thomas P. Casper
Superintendent of Schools

DATE: ____________________

CASE STUDY ELEVEN

Leased Facilities
and
Shared Facilities

Gibson County
Gibson School Corporation

Fort Branch
and
Haupstadt, Indiana

Gibson County

South Gibson School Corporation

Overview

The South Gibson School Corporation leases five classrooms of the Sts. Peter and Paul Elementary School in Haubstadt, and two classrooms in Holy Cross Elementary School in Fort Branch, Indiana. The Haubstadt program involves 72 fifth grade pupils and 63 youngsters in the sixth; this is the entire fifth and sixth grade population of the public school. The Fort Branch program enrolls 70 fifth and sixth grade students. This represents two of the six public fifth and sixth grade classrooms.

The programs in both towns began in September 1970 and in both programs the youngsters take religious instruction on a release time basis.

Background

The Community

Haubstadt, fifteen miles north of Evansville, has a population of about 1,200. Fort Branch, four miles north of Haubstadt, has a population of about 2,300. Eighty-five percent of the people in Haubstadt and forty-five percent of Fort Branch are Catholic. The third town in the South Gibson Corporation is Owensville, population 1500, 40 percent Catholic. The School Corporation has three members, one elected from each of the three towns. The vast majority of the people in the Corporation are involved in farming or related industry. The

The area is low in income and still maintains a strong German character.

In 1969-70, Sts. Peter and Paul had 345 pupils and Holy Cross enrolled 292. Both schools operated grades 1-8. This background information is summarized in Figure 1.

Figure 1

Background Summary

South Gibson School Corporation

	Haubstadt	Fort Branch	Owensville
Population	1200	2300	1500
% Catholic	85	45	40
Catholic School	St. Peter and Paul	Holy Cross	Owensville is not involved in a leased facilities program
Catholic School Enrollment 1969-70	345	292	
Number of Rooms Leased	5	2	
Number of Pupils in Leased Rooms	135	70	

Figure 2

School Expenses

	58-59	65-66	67-68	67-68	68-69	% Increase in 10 years
HOLY CROSS SCHOOL						
Salaries of Lay Teachers	$12,454.00	$14,933.12	$16,055.47	$18,319.24	$21,798.35	788.28%
Salaries of Nuns	2,676.50	4,000.00	4,400.00	6,000.00	5,880.00	119.69%
*Other Operating Expense	12,712.08	12,063.66	11,539.35	12,886.90	10,756.13	
Total Operating Expense	$17,842.58	$30,996.78	$31,994.82	$37,206.14	$38,434.48	115.41%
STS. PETER & PAUL SCHOOL						
Salaries of Lay Teachers			$16,350.00	$18,610.00	$24,820.00	
Salaries of Nuns	$ 3,929.00	$17,400.00	5,015.00	5,850.00	7,575.00	724.51%
Other Operating Expense	6,040.00	17,165.00	15,337.00	16,182.00	16,247.00	
Total Operating Expense	$ 9,969.00	$34,565.00	$36,702.00	$40,642.00	$48,642.00	387.93%
BOTH SCHOOLS TOGETHER						
Salaries of Lay Teachers			$32,929.24	$36,929.24	$46,618.35	
Salaries of Nuns	$ 9,059.50	$36,333.12	$ 9,415.00	$11,850.00	13,455.00	563.09%
Other Operating Expense	18,752.08	29,228.66	26,876.35	29,068.90	27,003.13	
Total Operating Expense	$27,811.58	$65,561.78	$68,696.82	$77,848.14	$87,076.48	213.09%

Other Operating Expense Includes:
Janitor, Supplies, Maintenance, Utilities, etc.

History and Development

The leased facilities programs have been successful because they are financially advantageous for both the Catholic schools and the public school Corporation. From the outset, financial considerations were the primary motivation of both parties.

The Catholic schools are in financial difficulty. The rising cost of operating the Catholic schools is reported in Figure 2, School Expenses, 1958 and 1965 through 1969. The Catholics are able to readily demonstrate that it is cheaper for the Corporation to lease their facilities and help keep them open, then it would be for the Corporation to absorb 630 new students should they close.

In a document entitled, "Summary of Problems, July 21, 1969," Appendix 1, the two Catholic pastors reported to the School Committee that "we will not be able to continue a full eight grade system if the present trends continue."

The critical situation of the two Catholic schools was pointed out again by the pastors in their joint letter of February 11, 1970 to the school Corporation (Appendix 2). The letter, requesting a meeting with the school Corporation, begins, "The cost of operation of the private schools of Holy Cross, Fort Branch and Sts. Peter and Paul, Haubstadt, has reached a point where these schools can no longer be operated as in the past."

The Catholic pastors prepared an information packet, "Factual Background, Roman Catholic Schools, South Gibson School Corporation," for the public school officials. The document is contained in Appendix 3. In synopsis, its main points are:

1. The Church can no longer support its schools which enroll a total of 637 students.

2. The per pupil expenditure in Gibson County is $486.00. $486.00 X 637 = $309,582.00. This latter figure represents the amount it would cost the Corporation if the Catholic schools were disolved.

3. Other communities facing similar situations have set up effective programs of leased facilities and reverse dual enrollment. Copies of the lease agreements for two such programs were enclosed.

4. Such programs appear to be legal. The Board of Education vs. Allen, 1968, 392 US 236. The United States Supreme Court held "that support of secular aspects of education in a private school is valid when the purpose is limited to that end and the object is achieved."

5. Operation of such a program would entitle the South Gibson School Corporation to count attendance of the parochial school pupils in computing its ADA funds.

In a nutshell, the Catholic message to the Corporation was, 'We can't afford our schools and you can't afford to let them close; we can work out an arrangement that is legal, inexpensive, and will keep us open.'

The Catholic facilities are more modern then public school buildings and it was clear that the Corporation could not fit 637 more students into their own facilities. Both of these facts helped the Catholic argument.

Proposals and Counter Proposals

The Catholic pastors presented their case to the school Corporation on February 24, 1970. After some discussion, the idea of leased facilities with reverse dual enrollment was dismissed. The Corporation asked the clergymen to prepare a formal proposal for a leased facilities program.

The proposal was submitted on March 18 (Appendix 4) and details the terms of the lease, the grades to be involved, and the stipulation that children in the public school classes operated in the Catholic school building would be released for religious instruction.

Also included in the proposal was the statement, "It is anticipated that a total of $61,461.04 in ADA funds will be forthcoming to the South Gibson School Corporation as a result of the proposal herein above stated." The estimated cost of the program, salary and rent included, was $62,000.00. The

Catholic pastors clearly set a rental fee which combined with an estimated salary cost, would allow the Corporation to run the program at almost no expense.

The Catholic proposal was followed by a counter proposal from the Corporation, (cf. Appendix 5). The counter proposal was different in some details but was essentially compatible with the Catholic plan.

The final agreement (Appendix 6) reached on April 29, 1970, is quite different from the two earlier proposals. The final document does not specify which grades will be enrolled in the leased classrooms nor is release time included as part of the formal agreement. All previous schemes included explication of these matters.

The lease agreement deals with the rental fee, the rooms and the hours of control. The only question of educational policy explicated in the contract states that the leased rooms are under the complete and exclusive control of the school Corporation.

Legal Background

The School Corporation is empowered to lease, with or without option, to purchase buildings, or parts of buildings, deemed necessary for school purposes. The legality of a public school Corporation renting space and operating classes in a sectarian facility is spelled out by the Indiana State Supreme Court decision of June 28, 1940, State ex rel. Johnson _et al_ V. Boyd _et al_.

Mr. Richard D. Wells, Superintendent of Public Instruction for the State of Indiana, inspected Sts. Peter and Paul School, in Haubstadt, Indiana, and Holy Cross School in Fort Branch, Indiana, on Friday, May 29, 1970 and verbally agreed that the leasing of classrooms to the South Gibson School Corporation. has been approved.

Parochial and public school officials jointly sought a legal opinion from the state attorney on their leasing programs. Monsignor Hirsch of Holy Cross and the school Corporation lawyers visited the assistant attorney general who would not offer an official statement. He said that "in these instances, we like to see things worked out on the local level."

During the process of seeking approval from the state school superintendent and the state attorney general, the chairman of the school corporation, emerged as the champion of the leasing programs.

The Arrangement

The agreement between the South Gibson School Corporation at Sts. Peter and Paul and the Holy Cross School differ only in the number of rooms leased. The lease at Sts. Peter and Paul includes five classrooms, the entire sout west wing of the building. Holy Cross leased two rooms to the Corporation.

The leases run from August 28, 1970 to May 21, 1971, twenty-four hours a day. The Corporation pays $265.00 rent per month for each room. The rent pays for seating, furniture, electricity, fuel and maintenance.

As expected, the program costs the Corporation less than one-thousand dollars a year. Rental fees and salary expenses are nearly balanced by the average daily attendance income they receive from the state.

The five classrooms at Sts. Peter and Paul enroll 135 fifth and sixth grade pupils, the entire fifth and sixth grades of the public school. In Haubstadt two of the six public school fifth and sixth grade classrooms are located in the Holy Cross school. Seventy pupils are enrolled in the leased classrooms.

Both Catholic schools have dropped their seventh and eighth grades and so all children attend public school for these years. The educational program in both Haubstadt and Fort Branch includes Catholic and public schools for grades 1-4, public school grades 5 and 6 operated in Catholic facilities in Haubstadt and in both Catholic and public facilities in Fort Branch, and public school classes for grades 7 and 8.

The Lease

The contract points out that the "lease is for the purpose of conducting school classes in conjuction with the corporation's educational program." The question of who is in charge of the rooms is made clear in the lease. "The Grantee [Corporation] shall be solely responsible for the management and operation in connection with the use of said premises and its general education program." The lease further states that "it is expressly agreed that the use of the premises hereinabove described is subject to the control and regulation of the Indiana State School Authorities and if at any time the premises do not lend themselves to the legal requirements necessary to conduct school classes, that the Grantee may supply any deficiency as may be required or relinquished the privilege hereby granted."

Fort Branch

The leasing program at the Holy Cross School, Fort Branch, has not run smoothly. The major discontentment is on the part of the Catholic parents who feel that since they bought and paid for the school, all their children have a right to attend Catholic classes in the facility.

Such is not the case, however, since only seventy youngsters study in the building as public school pupils with religious education on a release time basis.

Besides feeling "cheated" out of the full use of the Catholic facilities, many parents complained about religious segregation. The public school fifth and sixth grades in the Holy Cross building enroll pupils who would have been in these classrooms as Holy Cross students if the lease arrangement was not operating. The other fourth-fifth and sixth grades are operated by the Corporation in the main public school building. The youngsters are in a Catholic building but do not get the benefits of a Catholic education while at the same time they are second rate citizens in the public school system, segregated from the rest of the public school pupils. Some parents feel that this offers their youngsters the worst of two worlds.

Besides dealing with disgruntled parents, the Fort Branch program is confronted with two administrative problems. The Catholic school lost its principal in an accident just before the beginning of the school year. The sister had taught and lived in Fort Branch for several years, was friendly with public school officials, and was well known and respected among Catholic parents. She had been involved in the planning of the leasing program and was a competent administrator. The sudden absence of this key person created havoc in the early weeks of the program when day-to-day procedures were being ironed out. The sister is expected back next year. A second administrative difficulty accrues from the fact that only two rooms are leased in the Holy Cross School. If three rooms were involved, the Corporation could appoint a head teacher to act as "local administrator" for the three room annex. In the present program, the rooms are supervised by the principal in the public school almost a mile away.

The program will probably run more smoothly next year. The former Catholic school principal is returning and a third room will probably be leased and with it, a head teacher will be appointed. Furthermore, it appears that Catholic parents are becoming more receptive to the program.

Haubstadt.

The leasing program in Haubstadt has run very efficiently this year. The administration of the program has been most effective. The Catholic and the public schools are three blocks away enabling the principals to meet several times a week. A head teacher has been appointed for the public school classrooms. The head teacher acts as on the spot principal working closely with the public school teachers and the Catholic school principal on a day-to-day basis.

The school is divided into a public wing and a Catholic wing. One-hundred and thirty-five Catholic pupils attend grades one through four while one-hundred and thirty youngsters attend public grades five and six. The entire fifth and sixth grade population of the public school is enrolled in the leased classrooms. Few parental complaints have been heard concerning this evenly balanced, integrated facility.

Strong parent support also derives from the nature of the community and the magnitude of the crisis facing it. Haubstadt is half the size of Fort Branch and is 85 percent Catholic while Fort Branch is 45 percent Catholic. Furthermore, Catholic school expenses in Haubstadt have increased 387 percent since

1958 while in Fort Branch the increase has only been 115 percent. In short, Haubstadt is a smaller town, more Catholic, facing a larger financial problem. Wide spread parental support is easy to gain in this situation.

Parents, priests, and the principals all report that Catholic/Public cooperation in Haubstadt is admirable as the public school head teacher in Sts. Peter and Paul puts it, "these are our friends, we've known each other for years, of course we get along. The whole thing is that we are getting along people."

Ancilliary Programs

Shared Facilities

Both the Holy Cross School and Sts. Peter and Paul School share their facilities with the School Corporation. Public school students in the leased classrooms use the Catholic school cafeteria and no rental fee is charged for this service.

In Fort Branch, the students in the public high school have used the cafeteria in Holy Cross for several years on a no fee basis. The nearest public school cafeteria is a mile away in the elementary school.

Release Time

The seventh and eighth grade students are released 90 minutes per week with the time of day being worked out by the Principal and the Church officials. The fifth and sixth grade students are released from 8:10 A.M. to 8:40 A.M. four days per week, Monday through Thrusday. Release time programs are operated by Protestant chruches as well as the Catholic parishes.

Seventy-five percent of the children in Sts. Peter and Paul's release time program come from the leased classrooms, twenty-five percent are drawn from the main public school building. In Haubstadt, all the children in the release time program come from the leased classrooms of the public school.

The release time program began shortly after Christmas during the 1969-70 school year. The release time program runs smoothly presenting no difficulties whatscever.

Conclusions and Predictions

The leased facilities program in Haubstadt has worked extremely well and serves the interests of both the Catholic and the public schools. The program at Fort Branch had a difficult year but in the second year of operation it should be more efficient.

The leasing programs do not have a long future for several reasons. Both Catholic and public school officials report a significant decrease in the number of children enrolling in grades K through 4. As this trend continues up through the grades, the school population will reach a level at which all school age children can be accommodated in the public school facilities.

Furthermore, the South Gibson School Corporation is planning a consolidated high school for students from Fort Branch, Haubstadt, and Owensville. When this facility opens, the public high schools in Fort Branch and Haubstadt will be used as elementary schools.

On the Catholic side the parishes initiated the program because of rising school expenses and the decreasing number of nuns. Schools are becoming more expensive and nuns more scarce. Neither of these trends are effected by the leasing program. At best the leasing program has allowed the Catholic schools to temporarily avoid financial strangulation.

The lease facilities program will operate in 1971-72. After 1972 the public school Corporation will probably be able to absorb the Catholic school population and at the same time, the Catholic schools will be in a more critical financial condition.

The leasing program is a temporary expedient that serves the public interests and the short-term Catholic interest. Through the program the Catholic school will limp along for a year or two at which time the school Corporation will be able to absorb them at little or no expense.

APPENDIX 1

Summary of Problems

(CS:11):17

Presented to Public School Board, July 21, 1969.

1. We saw the problem coming for the 1970-71 school year.
2. The situation has been discussed by the Parish Counsels and Parish School Boards.
3. Our problem became a reality in the Spring of 1968, when each Parish lost one Sister.
4. Our problem became acute on July 8th and 9th, when each Parish was informed that it would lose an additional Sister, with no replacement available.
5. Salaries of lay teachers have increased dramatically, and have placed quite a strain on our budgets.
6. We will not be able to continue a full eight grade system, if the present trends continue.
7. It is entirely possible that we may lose more Sisters in the immediate future.
8. The Supreme Court of the United States declared in the Allen Case of June, 1968, "Support of the secular aspects of education in private schools is valid when the purpose is limited to that end, and that objective is achieved."

Proposal

We respectully request that you give consideration to the possibility of paying the salaries of four teachers each, for Holy Cross School and Sts. Peter and Paul Schoo, beginning August 28, 1969. These salaries to be commensurate with our current contracts.

APPENDIX 2

Catholic Request for a Meeting with the School Corporation

(CS:11):19

STS. PETER & PAUL RECTORY
Vine Street
HAUBSTADT, INDIANA 47539

February 11, 1970

Mr. Frank L. Strehl
President, South Gibson School Corp.
309 S. Mill Street
Owensville, Indiana 47565

Dear Mr. Strehl,

The cost of operation of the private schools of Holy Cross, Ft. Branch, and St. Peter and Paul, Haubstadt, has reached the point where these schools can no longer continue to operate as in the past. Since this is now a problem of a mutual concern, may we respectully request a meeting between the members of the South Gibson School Corporation and the members of the School Boards of the two respective private schools. The dates of February 24, 1970, or February 26, 1970 would be agreeable to us.

Very Sincerely Yours,

Msgr. Clarence J. Lindauer

Msgr. Clinton F. Hirsch

453-049 O - 72 - 40

APPENDIX 3

Factual Background Roman Catholic Schools, South Gibson School Corporation, Gibson County, Indiana

At the present time, and according to the most recent statistics available, there are at present 292 students attending the Holy Cross School in Ft. Branch, Indiana, and 345 students attending Saints Peter and Paul School in Haubstadt, Indiana, making a total of 637 students attending Catholic Schools in the South Gibson School Corporation.

It has become readily apparent to the undersigned in recent years that it is becoming fiscally impossible for the respective parishes to continue to operate Catholic Schools in the South Gibson School Corporation without some type of financial aid.

Statistically speaking, all as shown by Appendix A attached hereto, and based upon the most recent information available, the average per annum cost per pupil in Gibson County, Indiana, is $486.00. Assuming, therefore, that if all non-public school children in the South Gibson School Corporation entered the public schools, this would of necessity require an increase in the School Corporation's budget of $309.582.00. Based upon the budget submitted by the South Gibson School Corporation in August, 1969, for taxes to be levied and collected in 1970, this would result in an additional property tax rate in the amount of $1.16.

Catholic schools in other states, and in the State of Indiana, have been confronted with similar problems, and agreements for the use of parochial school classrooms in the City of

Gary, Indiana, and Louisville, Kentucky, by which the respective school boards in those communities lease classroom space for the teaching of secular subjects have been utilized for a number of years. Copies of these instruments are attached hereto as Appendices B and C. By such an arrangement secular subjects are taught for a number of prescribed hours per day, after which time religious instruction is given by non-state supported educators.

Recently, in the case of The Board of Education vs. Allen (1968) 392 U.S. 236, the United States Supreme Court held "that support of the secular aspects of education in a private school is valid when the purpose is limited to that end and the object is achieved."

It is the earnest desire of the undersigned to work out an arrangement whereby the South Gibson School Corporation would either lease the presently available parochial schools, situated in Ft. Branch and Haubstadt, Indiana, or supply teachers to teach secular subjects at said schools. By so doing, we are of the opinion that such an arrangement would be economically feasible in that existing facilities could be utilized and the costs of such a project would be far below that which would be necessitated by the South Gibson School Corporation's absortion of 637 students at an average per annum per pupil cost of $486.00.

Additionally, we are of the opinion that the operation of such a program would entitle the South Gibson School

Corporations to count the attendance of the parochial school pupil in computing its A.D.A. funds which would be of benefit to the taxpayers of the South Gibson School Corporation generally as additional state revenue.

We would appreciate meeting with you at your convenience to discuss this matter further.

Respectfully submitted:

Monsignor Clarence Lindauer

Monsignor Clinton Hirsch

(1) County	(2) Number of Pupils in Nonpublic Schools[1]	(3) Average Cost Per Pupil in Public Schools	(4) Total Additional Cost (Col. 2X Col. 3)	(5) Additional Property Tax Rate Required to Raise Amount in Col.4
Adams	1,458	$580	$845,640	$1.60
Allen	18,378	701	12,882,978	2.32
Bartholomew	1,115	577	643,355	.54
Benton	395	655	258,725	.62
Blackford	145	522	75,690	.27
Boone	145	630	91,350	.15
Brown	0	-	-	-
Carroll	74	619	45,806	.10
Cass	648	538	348,624	.43
Clark	2,677	573	1,533,921	1.57
Clay	151	571	86,221	.24
Clinton	157	668	104,876	.16
Crawford	0	-	-	-
Daviess	1,105	488	539,240	1.58
Dearborn	704	656	461,824	.50
Decatur	664	518	343,952	.89
DeKalb	454	516	234,264	.46
Delaware	586	540	316,440	.16
Dubois	1,795	450	807,750	1.57
Elkhart	1,517	624	946,608	.39
Fayette	494	486	240,084	.52
Floyd	1,643	513	842,859	.95
Fountain	0	-	-	-
Franklin	742	469	347,998	1.37
Fulton	9	650	5,850	.01
Gibson	1,082	486	424,852	1.06
Grant	818	508	415,544	.27
Greene	99	615	60,885	.16
Hamilton	966	620	598,920	.64
Hancock	265	537	142,305	.24
Harrison	298	429	127,842	.55
Hendricks	700	475	332,500	.43
Henry	241	578	139,298	.15
Howard	645	738	476,010	.28
Huntington	937	576	539,712	.85
Jackson	960	552	529,920	.97
Jasper	154	539	83,006	.18
Jay	191	435	83,085	.19
Jefferson	607	656	398,192	.53
Jennings	274	442	121,108	.30
Johnson	423	564	238,572	1.34
Knox	1,751	517	905,267	.20
Kosciusko	395	561	221,595	.83
LaGrange	590	585	345,150	

Source: Report of Statistic (1) Information for Indiana School Corporation, School Year 1966,67, Indiana Department of Public Instruction

County	Number of Pupils in Nonpublic Schools[1]	Additional Cost Per Pupil in Public Schools	Total Additional Cost (Col.2X Col.3)	Additional Property Tax Rate Required to Raise Amount in Col. 4
Lake	23,573	$711	$16,760,403	$1.62
LaPorte	3,416	611	2,087,176	.98
Lawrence	252	470	118,440	.22
Madison	1,284	496	636,864	.29
Marion	27,630	788	21,772,440	1.40
Marshall	1,540	568	874,720	1.11
Martin	230	433	99,590	.87
Miami	425	609	258,825	.45
Monroe	507	633	320,931	.32
Montgomery	217	578	125,426	.16
Morgan	0	-	-	-
Newton	120	572	68,640	.19
Noble	245	524	128,380	.23
Ohio	0	-	-	-
Orange	32	500	16,000	.06
Owen	0	-	-	-
Parke	0	-	-	-
Perry	5	554	2,770	.01
Pike	0	-	-	-
Porter	1,114	669	745,266	.42
Posey	1,022	653	667,366	1.54
Pulaski	218	585	127,530	.34
Putnam	0	-	-	-
Randolph	39	642	25,038	.04
Ripley	898	541	485,818	1.51
Rush	706	579	408,774	.83
St. Joseph	11,176	718	8,024,368	1.92
Scott	10	421	4,210	.02
Shelby	740	590	436,600	.64
Spencer	197	471	92,787	.35
Starke	383	499	191,117	.53
Steuben	0	-	-	-
Sullivan	0	-	-	-
Switzerland	0	-	-	-
Tippecanoe	2,176	588	1,279,488	.67
Tipton	391	587	229,517	.59
Union	0	-	-	-
Vanderburgh	10,502	624	6,553,248	2.38
Vermillion	108	549	59,292	.25
Vigo	2,261	615	1,390,515	.73
Wabash	245	686	168,070	.27
Warren	0	-	-	-
Warrick	701	515	361,015	.47
Washington	0	-	-	-
Wayne	895	520	465,400	.31
Wells	74	509	37,666	.08
White	41	530	21,730	.04
Whitley	0	-	-	-

Source: Report of Statistical Information for Indiana School Corporation, School Year 1966-67, Indiana Department of Public Instruction

APPENDIX C

THIS AGREEMENT between the BOARD OF EDUCATION OF JEFFERSON COUNTY, KENTUCKY, a body politic and corporate, Party of the First Part, and the OFFICE OF CATHOLIC SCHOOLS, ROMAN CATHOLIC ARCHDIOCESE OF LOUISVILLE, KENTUCKY, a non-profit corporation, Party of the Second Part.

WITNESSETH:

Upon mutual considerations of the parties, as hereinafter provided, IT IS AGREED AS FOLLOWS:

1. Due to financial pressures ST. DENIS and ST. LAWRENCE, non-public schools, operated by the Party of the Second Part, are no longer able to furnish a full curriculum in science and mathematics courses to its pupils, and therefore the Party of the First Part agrees to allow the official enrollment on a part time basis of such pupils into the math and science classes being taught in the school system of Party of the First Part; and

2. Because of transportation problems, the absence of the availability of suitable space to accomodate the part time public school students of the Party of the Second Part, scheduling, and other practical considerations, the Party of the Second Part agrees to lease for adequate consideration to Party of the First Part sufficient space and facilities to conduct said classes, it being understood that the space and facilities leased shall be used by Party of the First Part for the greator part of each school day, and that said space and facilities will be

returned to the control of Party of the Second Part during the remaindor of each school day.

3. It is material consideration to this agreement that the Party of the Second Part remove all religious symbols and insignia of any kind from the space and facilities herein leased during the term of this lease (inclusive of each and every day thereof), which term as hereinafter provided is for the school year of the Party of the First Part for 1969-1970.

4. The Party of the Second Part will not conduct or permit any religious or moral instruction to be given on the leased premises at any time during the term of this lease.

5. It is understood and agreed by the parties that a violation of the provisions of the foregoing paragraphs 3 and 4 hereof will constitute a violation of material provisions of this agreement and will automatically terminate said agreement and the arrangements provided hereunder.

6. Necessary fixtures, maintenance and utility services (heat, light, water) for the proper furnishing and servicing of said leased premises will be provide by the Party of the Second Part at its expense.

7. The Party of the First Part hereby has and retains all privileges and responsibility for the conduct, control and supervision of the educational program to be conducted in the leased premises; and it is further agreed that the party responsible for the conduct, control, educational content of the courses taught, and supervision of the educational programs conducted on the leased premises shall be the Party of the First Part.

8. All staff members, including teachers and teacher aides, used in the educational program conducted shall be employed by, compensated by, and under the complete control and supervision of the Party of the First Part.

9. All textbooks, teaching materials, curriculum supplies and equipment, if any, necessary to the teaching of the aforesaid courses of instruction will be provided by the Party of the First Part.

10. This Agreement shall be effective for the school year of the Party of the First Part for 1969-1970, under the daily school term as determined and conducted by the Party of the First Part.

11. This agreement of the parties is made pursuant to and consistent with the authority of the opinions of the Attorney General of Kentucky dated April 3, 1968 (OAC 68-150), August 12, 1968 (OAC 68-423), and November 13, 1968 (OAC 68-585) and the applicable law referred to therein.

IN TESTIMONY WHEREOF, witness the signatures of the Parties hereto by their duly constituted officers.

BOARD OF EDUCATION OF
JEFFERSON COUNTY, KENTUCKY
Party of the First Part

BY: ____________________
Richard VanHoose
Superintendent

DATE: ________________

OFFICE OF CATHOLIC SCHOOLS
ROMAN CATHOLIC ARCHDIOCESE
OF LOUISVILLE, KENTUCKY
Party of the Second Part

BY: ____________________
Rev. Thomas P. Casper
Superintendent of Schools

DATE: ________________

(CS:11):29

AGREEMENT FOR USE OF CLASSROOMS

THIS AGREEMENT entered into this 1st day of October 1969, by and between ST. LUKE SCHOOL BUILDING hereinafter referred to as the Grantor and the SCHOOL CITY OF GARY, INDIANA, a municipal corporation, hereinafter referred to as Grantee,

WITNESSETH:

ST. LUKE SCHOOL CHURCH of Gary, Indiana grants unto the SCHOOL CITY OF GARY, INDIANA, the privilege of and authority to use

Three Rooms

of the premises at 7th Ave. & Rhode Island, (640 Vermon Street) Gary, Indiana for the purpose of conducting school classes in conjunction with its general education program in the City of Gary, Indiana.

The Grantee shall have the exclusive use of said premises from Monday through Friday, inclusive, of each week between the hours of 8:00 A.M. and 4:00 P.M. during the term hereof, for a period commencing on the 1st day of October 1969, and terminating on the 12th day of June, 1970, upon paid by reimbursement of TWO THOUSAND NINE HUNDRED THIRTY-TWO AND 50/100 Dollars ($2,932.50) to the Grantor in installments as follows:

October, 1969	$345.00	March, 1970	$345,00
November, 1969	345.00	April, 1970	345.00
December, 1969	345.00	May, 1970	345.00
January, 1970	345.00	June 1-12, 1970 (1/2 month)	172.50
February, 1970	345.00		

The Grantee shall be solely responsible for the management and operations in connection with the use of said premises and its general education program and the Grantee agrees that the Grantor shall not be liable for damages or loss suffered by any person or persons whomsoever resulting from the operation of said purposes nor shall the Grantor be liable to the Grantee for any loss resulting to the Grantee as a result of fire, theft or any other cause whatsoever, excepting however, wilful acts in violation hereof by the Grantor, its agents and servants.

It is expressly agreed that the use of the premises hereinabove described is subject to the control and regulation of the Indiana State School Authorities and if at any time the premises do not lend themselves to the legal requirements necessary to conduct school classes, that the School City of Gary, Indiana, may supply and deficiency as may be required or relinquish the privilege hereby granted.

At the expiration of the term herein granted, GRANTEE shall remove all of its equipment promptly from the premises and restore them to the same condition as when possession was taken hereunder, reasonable wear and tear excepte.

Heat and utilities will be furnished by the Grantor. Grantor must provide a "Keep full" contract with an oil company.

GRANTEE shall supply janitorial services for the premises herein to be used.

WITNESS OUR HANDS AND SEALS the Year and Date FIrst above written.

(Name Grantor)

Rev. Henry J.

SCHOOL CITY OF GARY, INDIANA
a municipal corporation

President, Board of School Trustees

Secretary, Board of School Trustees

Approved by:

Dr. R.W. Schaerer, Assistant
Superintendent i/c Business Affairs

APPENDIX 4

Proposal to the South Gibson School Corporation

(CS:11):32

PROPOSAL TO THE SOUTH GIBSON SCHOOL CORPORATION

Pursuant to a request of the South Gibson School Corporation made of the undersigned on the 24th day of February, 1970, the following proposal is respectfully submitted for the consideration of the Board of Trustees:

1. The seventh and eighth students of the Saints Peter and Paul School located at Haubstadt, Indiana, and the Holy Cross School located at Ft. Branch, Indiana, will attend the public grade schools in each said respective communities, subject, however, to the right of said students to receive religious instructions for a minimal period of ninety (90) minutes of each school week on a release time basis, all as contained in section 28-3440, Burns' Indiana Statutes annotated, 1943 Replacement.

2. The students from the first to the fifth grades at each respective school shall continue as private students and shall be housed in separate facilities not leased by the South Gibson School Corporation.

3. Grades five (5) and six (6) at each respective school will be taught religious subjects during the first period of the school day and any leases herein contemplated shall be deemed to commence forty (40) minutes after children arrive for school purposes.*

---

*So as to eliminate transportation, and allied problems, these pupils will be taught the secular subjects in the same building.

4. The Holy Cross School, Ft. Branch, Indiana, will lease two (2), three (3) or four (4) rooms to the South Gibson School Corporation as the needs therefore may dictate, which said available rooms are designated in the appendix hereto.

5. The Saints Peter and Paul School at Haubstadt, Indiana, will lease a maximum of five (5) rooms for public school purposes, which said available rooms are designated in the appendix hereto.

6. All leases contemplated by this proposal will be only for hours of classes for the teaching of secular subjects.

7. In compliance with the requirements of section 28-3443 Burns' Indiana Statutes Annotated, 1948 Replacement rooms and facilities shall be provided for use of public school children while other children are being taught religious subjects.

8. All leases herein contemplated shall only be for a specific number of hours per day, beginning on August 26, 1970 and ending on May 31, 1971, and each room leased pursuant to the terms of this proposal shall be leased at the rate of $250.00 per month, and no lease herein mentioned shall be for a period in excess of one year.

9. Private School Teachers who qualify will receive due consideration on Teachers' Contracts to be awarded by the South Gibson School Corporation.

10. The South Gibson School Corporation will supply teachers as needed in each respective school for the teaching of secular subjects.

11. The teacher in charge shall be designated by the Principal of the Public Grade Schools in each respective community.

12. In all leases herein contemplated the lessors will provide and pay for all maintenance and custodial care.

13. Cafeteria facilities at both respective private schools shall be available for all public school students as circumstances may dictate.

14. All teachers shall have access to their respective classrooms at all reasonable times.

15. The request of the parents as to the placement of students in each respective school shall be given due consideration. Pupils attending public schools at present can be assigned to classrooms leased from the private schools, provided pupils already enrolled in the rooms leased from the private schools will not be transferred to the other schools.

General Statement

It is anticipated that a total of $61,461.04 in ADA funds will be forthcoming to the South Gibson School Corporation as a result of the proposal herein above stated.

Monsignor Clarence Lindauer

Monsignor Clinton Hirsch

APPENDIX 5

South Gibson School Corporation
Counter
Proposal

Parochial Schools agree to turn over their students in grades five through eight to the South Gibson School Corporation for the 1970-71 school year. In view of the above fact, the South Gibson School Corporation agrees to the following:

1. Religious Instruction Release Time.

The seventh and eighth grade students will be released 90 minutes per week. The time of day to be worked out by the Principal and Churches. The fifth and sixth grade students will be released from 8:10 A.M. to 8:40 A.M. four days per week. The four days to be worked out by the principal and churches.

2. Rental of rooms and placement of students in the rented rooms.

(a) Rent five rooms from the Sts. Peter and Paul School. Grades five and six will be placed in those rooms. The rental fee will be agreed upon by the South Gibson School Board and the Sts. Peter and Paul School. The rental fee is to cover room rental, janitorial service, and seating. The requested rental period: First choice - Would begin the first day of school and would continue for the school term. Second choice - Would be same as above except would be only for hours 8:00 A.M. to 4:00 P.M.

(b) Rent three rooms from the Holy Cross School. Placement of students would be as follows: First choice - Place special education and possibly kindergarten in the rooms, Second choice - Place sixth grade in the rooms. Third choice -

Place fifth grade in the rooms. The rental fee will be agreed upon by the South Gibson School Board and the Holy Cross School. The rental fee is to cover room rental, janitorial service, and seating. The requested rental period: First choice - would begin the first day of school and would continue for the school term. Second choice - would be same as above except would be only for hours 8:00 A.M. to 4:00 P.M.

3. Private School Teachers who qualify will receive due consideration on Teachers' Contracts to be awarded by the South Gibson School Corporation.

4. The above agreements are for one school year only and are subject to the approval of the Indiana Department of Public Instruction.

APPENDIX 6

South Gibson School Corporation Leases with Sts. Peter and Paul and Holy Cross Schools.

LEASES OF CLASSROOMS

This Agreement entered into this 29 day of April , 1970, by and between HOLY CROSS SCHOOL hereinafter referred to as the Grantor and SOUTH GIBSON SCHOOL CORPORATION, hereinafter referred to as Grantee.

Witnesseth: HOLY CROSS SCHOOL of Gibson County, Indiana grants and leases unto SOUTH GIBSON SCHOOL CORPORATION a portion of the west wing of the HOLY CROSS SCHOOL, the same consisting of either two rooms or three rooms, the exact number to be determined at the option of the Grantee, during the 197071 school year, the same being from August 28, 1970 to and including May 24, 1971, said school being located in Ft. Branch, Indiana, and said lease being for the purpose of conducting school classes in conjunction with Grantee's general education program.

The Grantor shall at its own expense furnish the light, fuel, maintenance and upkeep of said leased premises, and said Grantee shall pay as rent thereof the sum of two hundred sixty-five dollars ($265.00) per month for each and every room so leased. This lease also includes the seating and furniture in said rooms. The rental shall be paid monthly, the first payment being made on August 28, 1970.

The Grantee shall be solely responsible for the management and operations in connection with the use of said premises and its general education program and the Grantee agrees that the Grantor shall not be liable for damages or loss suffered by any person or persons whomsoever resulting from the operation of said premises nor shall the Grantor be liable to the Grantee for any loss resulting to the Grantee as a result of fire, thief or any other cause whatsoever, excepting however, wilful acts and violation thereof by the Grantor, its agents or servants.

This Agreement is subject to the approval of the Indiana Department of Public Instruction, and it is expressly agreed that the use of the premises hereinabove described is subject to the control and regulation of the Indiana State School Authorities and if at any time the premises do not lend themselves to the legal requirements necessary to conduct school classes, that the Grantee may supply any deficiency as may be required or relinquished the privilege hereby granted.

At the expiration of the term herein granted, Grantee shall remove all of its equipment promptly from the premises and restore the premises to the same condition as when possession was taken hereunder, reasonable wear and tear excepted.

Witness our hands the year and date first above written.

SOUTH GIBSON SCHOOL CORPORATION

by____________________________
F.L. Strehl

____
George J. Chamberlain

____
James L. Holder

Board of School Trustees of
South Gibson School Corporation --
GRANTEE

HOLY CROSS SCHOOL

by____________________________
Monsignor Clinton Hirsch
---GRANTOR

(CS:11):41

LEASES OF CLASSROOMS

This Agreement entered into this 29 day of April, 1970, by and between SAINTS PETER AND PAUL SCHOOL hereinafter referred to as the Grantor and SOUTH GIBSON SCHOOL CORPORATION, hereinafter referred to as Grantee,

Witnesseth: SAINTS PETER AND PAUL SCHOOL of Gibson County, Indiana grants and leases unto SOUTH GIBSON SCHOOL CORPORATION the southwest wing of the Saints Peter and Paul School, the same consisting of five rooms, during the 1970-1971 school year, the same being from August 28, 1970 to and including May 24, 1971, said school being located in Haubstadt, Indiana, and said lease being for the purpose of conducting school classes in conjunction with Grantee's general education program.

The Grantor shall at its own expense furnish the light, fuel, maintenance and upkeep of said leased premises, and said Grantee shall pay as rent thereof the sum of two hundred sixty-five dollars ($265.00) per month for each and every room so leased. This lease also includes the seating and furniture in said rooms. The rental shall be paid monthly, the first payment being made on August 28, 1970.

The Grantee shall be solely responsible for the management and operations in connection with the use of said premises and its general education program and the Grantee agrees that the Grantor shall not be liable for damages or loss suffered by any person or persons whomsoever resulting from the operation of said premises nor shall the Grantor be liable to the Grantee for any loss resulting to the Grantee as a result of fire, thief or any other cause whatsoever, excepting however, wilful acts and violation thereof by the Grantor, its agents or servants.

This Agreement is subject to the approval of the Indiana Department of Public Instruction,and it is expressly agreed that the use of the premises hereinabove described is subject to the control and regulation of the Indiana State School Authorities and if at any time the premises do not lend themselves to the legal requirements necessary to conduct school classes, that the Grantee may supply any deficiency as may be required or relinquished the privilege hereby granted.

At the expiration of the term herein granted, Grantee shall remove all of its equipment promptly from the premises and restore the premises to the same condition as when possession was taken hereunder, reasonable wear and tear excepted.

Witness our hands the year and date first above written.

SOUTH GIBSON SCHOOL CORPORATION

by______________________________
F.L. Strehl

____
George J. Chamberlain

____
James L. Holder

Board of School Trustees of South
Gibson School Corporation -- GRANTEE

SAINTS PETER AND PAUL SCHOOL

by______________________________
Monsignor Clarence Lindauer --
GRANTOR

CASE STUDY TWELVE

Limited Dual Enrollment
In Reverse - The Britton System

Saginaw, Michigan

Limited Dual Enrollment in Reverse

The Britton System

Saginaw, Michigan

Overview

In the Diocese of Saginaw, Michigan, twenty-seven public school teachers offer instruction in secular subjects to Catholic children in their parochial schools. The rooms in which these classes are conducted are leased by the public school boards and the arrangement is known as the Britton system.

Background and the Plan

The Saginaw diocese is a rural area that abuts the diocese of Detroit on the South and includes the north east portion of the state extending to lake Superior. The Britton system is most extensively employed in towns that are predominantly Catholic. The plan is named after Mr. Ernest Britton who in 1967 headed a State Education Department committee charged with the responsibility of designing a comprehensive plan for school financing. The committee's final report included the recommendation that public school boards provide teachers for the secular subjects taught in parochial schools. It was observed that this could be accomplished in one of two ways. The first possibility would involve the Catholic school youngsters going to a public school for the approved secular subjects. This would be a traditional dual enrollment program. The second arrangement would involve public school teachers going into parochial schools to conduct classes. Such an arrangement could only be legal if (1) the room in which the public school course was taught had been leased by the Public School Board of Education, and (2) the room was devoid of all religious insignia. This would be a dual enrollment program in reverse since the public school in effect would come to the Catholic students through the leasing agreement. The committee recommended this second plan as the most feasible way to provide teachers for the secular subjects taught in nonpublic schools. The plan was accepted and is used in many towns in the diocese of Saginaw. The public school teachers involved are known as Britton teachers.

Finances

The rental fee for the rooms leased by the public school in the Catholic facility is always nominal. The teachers' salaries, however, are a major expense to the public schools. In October of 1969, the Bay City Times reported that the district was spending over $300,000 yearly in support of nonpublic school education. The average public school teacher's salary in the Saginaw diocese is $10,000 per year and there were more than 30 Britton teachers in 1969-70. Although the Catholic schools might not pay on the same scale the program still offers significant financial relief to parochial education.

Legality

The program has not received wide spread community support in the area. A suit was filed against the Britton programs in Bay City and Pinconning, Michigan, in December 1969 to prevent their operation. Five other similar programs were also named in the suit. The decision on the case, handed down in May 1971, ruled that the programs were legal (Carmen et al. v. Secretary of State).

Extent

Over twelve hundred Catholic school students received instruction from 27 Britton teachers in the Saginaw diocese. Programs are operated in 11 schools in 9 different towns. The names of the schools and towns with the number of students and Britton teachers in each are contained in Figure 1.

Conclusions

The Britton Plan is dual enrollment in reverse under another label. It does not involve partnership dual enrollments but provides instruction in limited subject areas only. In the Saginaw diocese it is putting a serious strain on public school finances while conversely it has proven most beneficial to the nonpublic schools. But the Britton plan has the same endemic weakness found in all local cooperative programs: it only works when the climate in the community is favorable. One Catholic school official referred to this feature when he said, "We simply wouldn't try it [The Britton plan] in a community which was not at least 50 percent Catholic." The generalizability of the program which has as a prerequisite a favorable political-religious climate is sharply limited. The Britton plan, like other local ventures, should be approached with caution.

FIGURE 1

Dual Enrollment with and Without Britton Teachers

Diocese of Saginaw -- 1970-71

Dual Enrollment

School	Academic Voc. High	Grades	BRITTON TEACHERS	Grades	Students Involved
ALPENA					
1. Catholic Cen. High 1/2 day	330				
2. St. Anne 7/8 1/2 day		70			
3. St. Bernard 7/8 1/2 day		70			
4. St. Mary 7/8 1/2 day		56			
5. BAD AXE... Sacred Heart					
Shared time 7/8 5/7 day		49			
Britton teachers			3	1/5/6/7	81
BAY CITY					
6. All Saints					
Shared time	22				
Britton teachers			2	9-12	207
7. West Catholic					
Shared time	76				
Britton teachers			1/3	9-12	53
8. Holy Trinity/St. Hedwig					
Shared time 6/7/8 1/2 day		108			
9. HARBOR BEACH..O.L.L.H.					
Shared time		29			
Britton teachers			3 1/2	7/8	77
10. MAPLE GROVE					
St. Michael 7-12					
Shared time 9-12 1/2 day	177				
Britton teachers			2-1/5	7	150
11. St. Michael 2-3			5	2-6	156
12. MERRILL...Sacred Heart					
Shared time 7/8 1/2 day		36			
MIDLAND					
13. Blessed Sacrament 7/8 1/2 day		46			
14. St. Brigid 7/8 1/3 day		38			

Figure 1 (cont.)

School	High	Grades	Britton Teachers	Grades	Students Involved
15. PARISVILLE					
Britton teachers			1	3/4	38
16. PINCONNING...St. Michael					
Shared time 5/6/7/ 1/2 day		124			
Britton teachers			2	5/6	64
17. RUTH...SS. Peter & Paul					
Britton Teachers			4	2/4/6/7	115
18. SAGINAW...St. Thomas					
Britton teachers			1	(PE) 5/8	292
19. UBLY					
Britton teacher			1	1/2	30
	605	626	27		1263

CASE STUDY THIRTEEN

Leased Facilities

Warwick School Corporation
Boonsville, Indiana

Warwick School Corporation
Boonsville, Indiana

Overview

Officials at St. Clement's Catholic school in Boonsville, Indiana have approached the County School Corporation several times proposing that they lease Catholic owned facilities for public school purposes. The situation differs from those in Haubstadt and Fort Branch (CS:11) in only one respect: the school Corporation has always said no.

Background

Boonsville is about fifteen miles west-northwest of Evansville and has a population of approximately 5,000 people. Eight to ten percent of the population is Catholic.

The public schools in Boonsville have space for all the youngsters who wish to attend these classes. Two years ago, a new public elementary school with a capacity of 400 was opened.

St. Clement's the local Catholic school, operates grades one through eight and enrolls 200 youngsters. In 1967 the school began experiencing serious financial difficulty. In 1968-69 two of the four nuns teaching in the school left. This changed the composition of the teaching staff to two sisters and six lay people.

The school debt has increased since 1967 and the projected deficit for 1971-72 is $45,000. The school debt for four years is shown in Table 1.

Table 1

Operational Deficit of St. Clement School

Year	Debt
1966-67	$17,000
1969-70	39,000
1970-71	41,000
1971-72	45,000

St. Clement's needed $25,000 in order to open school in September of 1971. The diocese did not have the money, the funds could be raised in the parish, and the school Corporation is not going to lease facilities in the Catholic school. As a consequence of this financial crisis, Rev. Rooz, the Pastor at St. Clements, announced in a letter to the School Board on February 27, 1971 that his school will close in June.

Ancillary Programs

The public and parochial schools have a dual enrollment program in grades 7 and eight. Twice a week, forty-one Catholic students go to the public school for courses in shop and home economics. The principals involved have a friendly relationship and the program has run smoothly.

Most of St. Clement's graduates attend the public high school and the secondary teachers speak highly of them. Many teachers in the public high school have indicated support for St. Clements' and the desire to see it continue in operation.

Analysis

Despite the friendly support of the Junior High principal and the high school teachers, the Catholic school officials have not been able to get the Corporation to enter into a leasing program. The pastor feels that the School Board is simply not interested in the Catholic school. He senses a certain hostility and points out that at a meeting with the school Corporation, Catholic officials were less than warmly received.

The school COrporation cites two reasons for not entering a leasing program. First, they have concerns about the constitutionality of the program. In light of the successful and legal operation of similar programs, this would hardly appear to be a serious problem.

The second and more significant reason is that the Corporation believes that it can absorb the two-hundred students from St. Clement's into its own facilities without adding any new teachers or classrooms.

Conclusions

Some hostility does exist between the Catholic school officials and the public school Corporation in Boonsville. However, far more important than this, is the fact that the school Corporation does not need the Catholic school facilities. The closing of St. Clement's will change the student teacher ratio in the public schools but it will not cost the Corporation any money. St. Clement's will close in June and the public schools will not be seriously affected.

The lesson of Boonsville is very clear. Public school boards enter into leasing programs when they have either a religious or financial interest in the Catholic schools. The Warwick School Corporation has neither interest and hence no reason to enter into a leasing program.

CASE STUDY FOURTEEN

Dual Enrollment in Leased Facilities with Leased Services

Gibralter School District

and St. Mary's Parish

Rockwood, Michigan

Overview

In Rockwood, Michigan, 312 youngsters study Religion, reading and spelling in St. Mary's Catholic School and English, science, art and social studies in the Gibralter public school. The Gibralter program operates in six classrooms in the old parish school connected to the new Catholic facility by a cafeteria. The Public School Board leases the facilities in the old building as well as the half time services of the Catholic school principal. The program began on September, 1970, and involves grades three through eight.

Background

Rockwood covers an 18 square mile area about 30 miles south-east of Detroit. About 60 percent of the 20,000 people in the community are Catholics. The town is growing rapidly. It developed as a rural town with its own identity but is quickly becoming a typical Detroit suburb.

St. Mary's is the only Catholic facility in the town of Rockwood. In 1969-70, before the dual enrollment -leased facility program began, 415 students were enrolled in grades one through eight operated by the parish. The Gibralter Public Schools enroll approximately 3,300 elementary students.

The initial discussion about a dual-enrollment-leasing program was initiated by the parish school board as a result of a serious financial problem. In 1967, the public school teachers in the district unionized and received raises. The competetion that resulted drove up the salaries of lay teachers in the Catholic school. Furthermore, around that same time the number of sisters teaching in St. Mary's decreased sharply.

For many years the public and parochial school had operated a limited dual enrollment program. Catholic students had frequently enrolled in science and home economics courses in the public schools. This had set a precedent for cooperative programs and when this precedent was combined with the friendly relationship that existed between the public and parochial school boards the establishment of a partnership dual enrollment program was a simple task. The leasing provision of the program was a function of the lack of space in the public school and the availability of Catholic facilities. There was some opposition to the program but the educational and financial benefits it offered the public and parochial schools mandated its approval and establishment. The program began in September, 1970.

The Arrangement

The Gibralter School District leases the former St. Mary's elementary school. This includes six classrooms, a gym and all permanent facilities and furnishings. The public school operates grades three through eight in this building, one class at each grade level. Three hundred and twelve youngsters spend half their day in the public school classrooms studying English, science art and social studies. The other half of their school day is spent in the new parochial school studying Religion, reading and spelling. The two buildings are connected by the cafeteria but the "public" school building has a seperate exist and entrance. A sign on the front of the leased building clearly identifies it as a public school facility.

In addition to the dual enrollment program, the parochial school operates all-Catholic grades one and two for 92 pupils.

Staff

The staff for the entire program consists of 19 people. There are six teachers in the public school sector. None of them are sisters but three of them formerly taught in St. Mary's. Technically we could say that the services of these three teachers are leased by the public school but this term is misleading. They no longer have any legal affiliation with the parish school board and are exclusively responsible to the Gibralter School Superintendent.

The Catholic portion of the program employs 13 teachers. Two of the four teachers in grades one and two are sisters and two of the nine teachers in grades three throught eight are nuns.

The public and parish school boards jointly support a sister as the school's principal. She was the principal when the school was under complete Catholic auspicious and now the public school board leases half her services to coordinate their portion of the program. Since she maintains her affiliation with the Catholic school, the term "lease" seems appropriate in this case. In addition to running the day-to-day operation, she recruits and interviews perspective public school teachers and makes employment recommendation to the superintendent. This leased services arrangement has proven to be administratively advantageous for public and parochial school officials. Through this arrangement, each has a part time employee who is totally in command of the program.

School Policies

The dual enrollment program operates on the Gibralter School District calender and class schedule. Students receive report cards from the public school which includes the grades earned at St. Mary's. All permanent records are kept at St. Mary's School Office and the children graduate from the parochial school.

Finances and Attendent Obligations

In the lease (cf Appendix I) the Gibralter School District agrees to operate the cafeteria for students in the program and further, agrees to provide utilities and maintenance for the leased facility. The total expenditure on utilities and maintenance cannot exceed $1200 and the payment of this amount is considered rent. The school district does recieve prorated state aid for the dual enrolled students. The total amount of this state reimbursement is not known since the state payment for the present year has not yet been recieved. In a certain sense the Gibralter expenses and the amount of state aid the school district recieves does not matter because the lease also includes a "guaranteed-break-even" clause. This section of the agreement reads as follows:

> Costs to the Gibralter School District for the total shared time program, including costs referred to elsewhere in this article, shall not exceed allowances from the state for part-time membership and tuition for the school year 1970-71.

If the school district loses money on the program, the understanding is that the parish will pay the defecit.

The leased facilities are under the complete and exclusive control of the Gibralter School Board when the school program is in operation. This is explicidely stated in the first article of the lease as follows:

> The entrance and exit to and from the leased classrooms is to be completely separate from any entrance and exit to the St. Mary's Parochial School classrooms, and the six leased classrooms are to be identified as classrooms of either the elementary or junior high school as part of the Gibralter School System. That the use and grouping of students in classes held in the leased classrooms are under the direction and control of the Superintendent of Schools of the Gibralter School District.

The parish may use the school for its own purposes under certain conditions. The lease provides that:

> "The lessor [St. Mary's] may make such use of the classrooms as it may desire on days when the public school is not in session or when not used by the public school, providing prior permission is obtained from LESSEE."

Conclusions

The program has operated smoothly during its first year but it is to early to make a final judgement on the Gibralter-St. Mary's arrangement. Enrollment for next year has not yet been determined and the amount of state support is not yet known. Both these variables will have a significant effect on the program's future. If the enrollment remains the same, and the parish is not forced to reimburse the school district the deficit between operating expenses and state aid, the program will continue. A third significant variable that will effect the future of the program is the number of sisters teaching in the school.

Until the questions of enrollment, state aid, and the availability of sisters are clarified, it would be unfair to offer a prediction about the future of the program.

APPENDIX I

The Lease between Gibralter School District and St. Mary's Parish

(CS:14):8

GIBRALTAR SCHOOL DISTRICT
LEASE AGREEMENT

THIS AGREEMENT, made and entered into this 4th day of May, 1970, by and between ST. MARY'S SCHOOL BOARD, 32447 Church Street, Rockwood, Michigan, hereinafter referred to as LESSOR, and the GIBRALTAR SCHOOL DISTRICT, a School District of the Third Class, with offices located at 33494 W. Jefferson, Rockwood, Michigan, hereinafter referred to as LESSEE.

WHEREAS, St. Mary's School finds it impossible to provide classes and educational services to all enrolled students for the school year 1970-71, and

WHEREAS, St. Mary's School, by and through its school board, has offered the use of necessary classrooms and other facilities to the Gibraltar School District, to be operated as a Public School housing a dual enrollment program with St. Mary's School, and

WHEREAS, an additional amount of state aid would be available to the Gibraltar School District as a result of an increased enrollment of part time students, and

WHEREAS, such a lease and dual enrollment program would be beneficial to the students and to the taxpayers of the Gibraltar School District,

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

I

LESSOR for and in consideration of the rents to be paid and the covenants and agreements to be performed by the LESSEE does hereby lease to the LESSEE the following classrooms to be used for educational purposes for the teaching of a curriculum to part time students as determined by the

Gibraltar Board of Education:

Rooms 101, 102, 103, 104, 105, 106 and such other rooms and space as may be required. The entrance and exit to and from the leased classrooms is to be completely separate from any entrance and exit to the St. Mary's Parochial School classrooms, and the six leased classrooms are to be identified as classrooms of either the elementary or junior high school as part of the Gibraltar School System. That the use and grouping of students in classes held in the leased classrooms are under the direction and control of the Superintendent of Schools of the Gibraltar School District.

Additional rooms and space shall be as mutually agreed upon by the parties hereto. In addition to the aforementioned classrooms and space as herein mentioned LESSOR also leases the student desks, chairs, teacher desk and chair, book cases, such text books owned by the LESSOR which are approved by the Gibraltar Board of Education, and such other miscellaneous equipment as are contained in the classrooms.

II

LESSOR hereby makes available for the teachers and students of LESSEE toilets and lavatory facilities for girls and boys, teachers' lounge, office space, cafeteria, files, public address system, clock system, library facilities, including files and books located therein. The uses of these spaces, rooms and facilities shall not be exclusive as to either LESSEE or LESSOR but shall be used jointly.

III

LESSEE agrees to operate cafeteria services in the shared facilities for students, teachers, and other employees of St. Mary's School and the Gibraltar School District and to provide labor costs for maintenance and custodial services, materials and supplies required for care, cleaning and maintenance of the rented rooms and areas described in paragraph I above.

IV

The term of this agreement shall be for one year commencing July 1, 1970.

V

LESSEE hires the premises and facilities for the term herein mentioned, and in consideration therefore, of the peaceful use and enjoyment thereof, and the performance of the terms and covenants to be performed by the LESSOR, agrees to pay LESSOR, as rent for said rooms and facilities mentioned above, the sum of twelve hundred dollars ($1200.00).

VI

COVENANTS AND CONDITIONS TO BE PERFORMED BY LESSOR:

1. Provide fire, theft, and extended coverage insurance on the leased property both real and personal.

2. Provide heat, light, water, and equipment for a well maintained school.

3. The total of all such costs and expense shall be considered rent and shall not exceed the sum of twelve hundred dollars ($1200.00).

VII

COVENANTS AND CONDITIONS TO BE PERFORMED BY LESSEE:

1. Use the classrooms and facilities herein provided for the purpose of providing public school classes and instruction of part time students enrolled in grades three, four, five, six, seven, and eight.

2. Costs to the Gibraltar School District for the total shared time program, including costs referred to elsewhere in this article, shall not exceed allowances from the state for part time membership and tuition for the school year 1970-71.

3. LESSEE may, at its own expense, make such alterations, modifications and improvements to the described premises, including the building and equipment, as LESSEE may deem necessary, provided LESSEE shall make no structural alterations or remove any equipment without the prior written consent of the LESSOR. Upon expiration of the term, LESSEE at LESSOR'S written request shall remove alterations, modifications and improvements installed by LESSEE and restore the premises to the condition existing prior thereto. In the absence of such a request made prior to the expiration of the term hereof, all such alterations, modifications and improvements shall remain upon and be surrendered with the premises at the termination of this lease; provided however, that LESSEE may remove all furniture, equipment, supplies and teaching aids supplied by LESSEE, but shall restore the premises to the condition existing immediately prior to the installation thereof.

4. LESSEE shall not assign or transfer this lease or sublet the premises or any part thereof without the prior written consent of the LESSOR.

5. LESSOR may make such use of the classrooms as it may desire on days when the public school is not in session or when not used by the public school, providing prior permission is obtained from LESSEE.

VIII

Any dispute over services supplied or to be supplied and not supplied or any other matter not covered specifically in this agreement shall be resolved by a committee consisting of:

1. A representative designated and instructed by the Gibraltar School Board at a regular or special meeting.

2. A representative selected by the St. Mary's Board of Education.

3. A third party mutually agreed upon by the respective

representatives.

IX

LESSOR shall at its expense, promptly comply with all lawful laws, orders, regulations or ordinances of all municipal, county and state authorities affecting the premises hereby leased and the cleanliness, safety, occupation and use of same.

X

LESSEE shall make payment annually of amount determined due in accordance with paragraph VI, sub-paragraph 2, above.

XI

LESSOR covenants that the said LESSEE, on payment of amounts due hereunder and the performance of the covenants herein contained shall and may peacefully and quietly have and hold the described premises for the term aforesaid.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

In the Presence of:

ST. MARY'S SCHOOL BOARD

By________________

By________________

GIBRALTAR SCHOOL DISTRICT

By John Bogdan
President

By Raymond Davis
Secretary

Leo G. Schulte
Leo G. Schulte

Claudia A. Coulson
Claudia A. Coulson

John F. Dearden
Roman Catholic Archbishop of
the Archdiocese of Detroit

CASE STUDY FIFTEEN

Dual Enrollment in Reverse with Leased Services

Fitzgerald School Corporation and St. Mark's School

Warren, Michigan

Overview

In the Detroit suburb of Warren, more than 500 youngsters divide their school day between St. Mark's Catholic School and the Fitzgerald Public School. The students in grades four through eight receive their public school education in eight classrooms in the Catholic school building leased by the public sector. The Fitzgerald School Corporation also leases 1/3 of the Catholic principals time to administer the public school portion of the program. The program has been operating since September of 1969. However, it will end this June when St. Mark's closes its doors.

Background

The Fitzgerald School District in Warren has a population that is predominately Catholic with a significant minority of Southern Baptists. It is about 15 miles from Detroit and is generally considered a wealthy bedroom community.

Events Leading Up to the Program

In March of 1969, the Education Office of the Detroit Archdiocese set a new salary scale for all teachers in Catholic schools. St. Mark's Parish could not meet this new salary level. The school had been losing enrollment and was operating at an annual deficit of $135,000. Even before the school was hit with the new salary scale, modifications in the school program had been actively considered. One of the early plans designed to provide relief to the school, was the closing of grades one, two, and three. This would have eliminated 179 students. Another suggestion was to drop grades seven and eight, thus eliminating 156 pupils. But the new salary scale was "the straw that broke the camels back." Shortly after the new salary schedule was announced, St. Mark's had an announcement of its own: the school would close in June unless some form of aid was found.

At this point, Public and Catholic school officials began to discuss the possibilities and potential of dual enrollment. At first, discussions centered around a partnership plan in which the Catholic school students would walk to a nearby public school. However, it soon became clear that the public school would have difficulty accomodating the 884 students from St. Mark's. Even if the program was limited, grades four through eight in St. Mark's, it was felt that the 560 pupils would prove difficult for the public school facility to handle. This suggested that the best program was one involving leased facilities in the Catholic school. Interestingly, now that St. Mark's will close, the public schools have found ways of assimilating the new enrollments into their existing facilities; they will not lease space from the defunct Catholic school next year.

Local Problems

Two problems confronted the program at an early point in its development. First, one-third of the pupils at St. Mark's were from outside the Fitzgerald School District. This situation complicated the procedures for state reimbursement and posed a serious roadblock for the dually enrolled students. A second problem was the articulate opposition of the non-Catholic segment of the community. Southern Baptist's were oppossed to the program because they felt it supported a Catholic School with their tax money.

In spite of these problems, an agreement was reached and the school board approved the leased facility dual enrollment program on May 8, 1969. At the same meeting, the board rejected a proposal to put the plan before the voters.

The advocates of the propossed referendum filed suit against the school Corporation and on June 28, 1969, a judge of the Malcomb County Court ruled the "program [was] illegal because it included non-resident students." This decision was appealed but St. Mark's seemed doomed. In July, the public school ordered $2,600.00 worth of new books for the students from St. Mark's.

But the Appelite Court overturned the first decesion, ruling that the program was legal if two conditions were met: (1) the entrances and exists to the public school sector of St. Mark's had to be seperate from those in the rest of the building, and (2) the leased rooms had to be identified as public school classrooms. These conditions were met and the program began that September.

State Problems

The legal issue had been resolved on the local level, but the battle raged on at the state level. On December 18, 1969, a suit was filed against seven school Corporations operating dual enrollment programs. Defendents in the suit included the following school Corporations: Centerline, Warren Consolidated, Fitzgerald, Warren, Bay City, Pencanny, Saginaw Township and Harbor Beach. The plaintiffs in the suit were the citizens to Advance Public Education, the Michigan Education Association, Michigan Federation of Teachers, ACLU, NAACP, Trade Union Leadership Council, and the American Jewish Congress. The suit contended that dual enrollment programs in leased facilities violated the First Amendment. The schools were not enjoined from operating during the ejudication of the case. In May of 1971, a decision was finally reached by the Michigan State Supreme Court. It found that programs of dual enrollment in leased facilities were legal, provided the program was under the complete and exclusive control of the public school.

The Program

The Fitzgerald School Corporation leases eight rooms, the gym, office space and library space in St. Mark's. The Corporation supplies public school teachers and operates public school classes in these rooms. In addition, the school Corporation leases the part-time services of the Catholic principals to organize and operate the public school portion of the program. By paying this sister 1/3 of a public school principal's salary, the Corporation has in effect given the program a single administrator with a dual identity. Moreover, this leased services plan has proven to be a most successful administrative arrangement. The Program enrolls 505 students in grades four through eight. These pupils are the same boys and girls that would have attended these classes had they remained exclusively under Catholic auspicious. Although the lease reads, "that the use and grouping of students in classes held in the leased classrooms are under the direction and control of the Superintendent of schools," the enrollment policies of St. Mark's determines the composition of these rooms. Although the program does not explicitedly exclude anyone, the half-time public school program is coordinated only with the program at St. Mark's Catholic School. Hence, a student in the public school portion has to enroll in the Catholic half to complete his program. In practice, pupils do not sign up for the public school section first, rather they enroll in St. Mark's and then register for the dual enrollment program with the public sector. The end result is a public school program that is exclusively Catholic.

Enrollment has decreased since the program began. Enrollment by grade for 1969-70 and 1970-71 is shown in Table One. Grades one through three were not under the program and remained under the exclusive control of St. Mark's.

Table 1

Dual Enrollment in St. Mark's

Grade		Enrollment 1969-1970	Enrollment 1970-1971
1-3	(Not under dual enrollment)	284	173
4		116	111
5		113	106
6		120	100
7		103	100
8		108	108
Total		844	680

As we mentioned earlier, St. Mark's will close in June of 1970. Table 1 shows that the dual enrollment grades lost 55 pupils while the first three grades experienced a decline of 109 students. The total student enrollment decline totaled 284.

Administrative Policy

The employment of a single principal by both parties has facilitated the smooth operation of the program. The students recieve two report cards, one from Fitzgerald and one from St. Mark's. The Fitzgerald grades are transferred to St. Mark's where all the permanent records of dual enrolled students are kept. Morning and afternoon attendance is taken in both sectors of the program. The morning absentee reports are crossed referenced and checked against the afternoon's attendances. The dual enrollment program follows the public school calender.

Attendent Obligation

The lease between Archbishop Dearden who holds title to St. Mark's and the Fitzgerald School Corporation is comprehensive and detailed. It clearly reflects an understanding of Constitutional Law, state policy on reimbursement for dual enrolled students, and the status of nonpublic school. Unlike most documents used in leased facility-dual enrollment programs, it explicates matters of educational policy. The complete document is contained in Appendix I, and some of its key provisions are summarized here.

The introduction to the lease details the precarious position of St. Mark's but points out that "St. Mark's School, with a

Shared Time [Dual Enrollment] Program for grades four, five, six, seven, and eight could provide classes and educational services for the school year 1970-71." The lack of space in the public schools is mentioned, as is the state provision for reimbursing school Corporations for dual enrolled students. The introduction concludes "a lease and Shared Time [dual enrollment] Program would be beneficial to the students and to the taxpayers of the Fitzgerald School District."

The first article of the lease names the rooms to be rented and several policies governing their operation.

> "The entrance and exit to and from the leased classrooms is to be completely seperate from any entrance and exit to to the St. Mark's Parochial School classrooms, and the eight leased classrooms are to be identified as classrooms of either the elementary or junior high school as part and parcel of the Fitzgerald Public School System. That the use and grouping of students in classes held in the leased classrooms are under the direction and control of the Superintendent of Schools of the Fitzgerald School District."

The document goes on to state that the agreement shall be in effect for one year, beginning July, 1970, includes the use of all equiptment and facilities in St. Mark's needed for the normal operation of the public school program, and that the financial consideration for rent and facilities shall be one dollar.

The responsibilities of the lessor, St. Mark's, are enumerated:

1. St. Mark's must provide full insurance coverage,

2. provide and pay part of the utilities and maintainence expenses and

3. promptly bill the school Corporation for its share of the above mentioned operating expenses.

The school Corporation likewise agrees to certain conditions.

1. The Corporation will use the leased classrooms to provide public school classes and instruction of part-time students enrolled in grades four through eight,

2. will reimburse St. Marks' a prorated share of operating expenses. This shall not exceed $17,000 per annum,

3. no more than 186 non-resident students shall be enrolled in the program,

4. St. Mark's may make such use of the classrooms as it may desire on days when the public school is not in session or when not used by the public school, providing prior permission is obtained from the school department.

Additional administrative details are explicated and the last article of the lease reads:

> As a part of the consideration for this Agreement the parties hereto have entered into a INDEMNITY AND HOLD HARMLESS AGREEMENT in a seperate instrument executed simultaneously herewith, which is incorporated herein by reference and made a part hereof.

The idemnity and hold harmless agreement makes the contract null and void, absolving both parties of responsibility if legal action prevents the execution of the terms of the lease.

Finances

The Fitzgerald school Corporation receives a state reimbursement which exceeds the amount it spends on the program. The original estimated budget of $141,925 was to be evenly balanced by $100,240 in state reimbursement for residents and $41,635 in state funds for students outside the district who enroll in the program. The actual operating budget for the first year was $144,270 of which $100,328.43 was expended. The major savings came in salary expenses budgeted for $104,192, which actually cost only $78,484, a savings of $25,708. The state reimbursement for 1969-70 amounted to $103,000 for district students and $41,000 for out of district students: a total revenue of $144,000. Hence, reimbursement exceeded expenses by $43,672.00. The same budget is being used for 1970-71 although there will be some increase in salary expenses. The estimated state reimbursement is $103,000 for full residents, $43,774 for non-residents: a total revenue of $146,774. Although actual operating costs cannot be determined at this time, it is clear that the state reimbursement will exceed program expenses by $35,000 to $40,000. This information is summarized on Table 2 including a breakdown of enrollment by resident or non-resident status.

Reimbursement exceeded expenses for two reasons. First, the number of students enrolled and second, the number of young teachers on the staff. The student body is large enough to qualify for a sizable amount of state aid. At the same time, the teaching staff is made-up largely of young teachers most of whom are still on the lower rungs of salary ladder.

Table 2

Financial Summary of St. Marks' - Fitzgerald School Corporation Lease Facility-Dual Enrollment Plan.

	First Estimate	1969-70	Student Status	1970-71	Student Status
Budget	$141,925	$144,270		$144,270	
Expenses	141,925	100,328		100,328*	
State Reimbursement	141,925	144,000		146,774*	
Resident Student	100,240	103,000	370	103,000	323
Non-Resident Student	41,685	41,000	174	43,774	492
State Reimbursement in Excess of Expenditures		43,671		47,774*	

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*Estimate

Of course, as the salary level increased with teaching experience the ratio of expenditures by the local system to state reimbursement would have decreased had the program continued.

Conclusion

The leased facility-dual enrollment program between St. Marks' and the Fitzgerald School Corporation could be considered successful and mutually beneficial while it operated. The Corporation avoided for two years the awesome expense of assimilating some 800 Catholic school students and at the same time, recieved state funds in excess of what it spent on the program.

The Catholic school recieved the services of eight public school teachers for grades four, five, six, seven and eight. In addition, in 1969-70, St. Marks' recieved $11,967 from the Corporation for its share of utilities and maintenance costs.

In spite of its achievements and success, the program will not operate next year. St. Mark's school will close its doors in June. The relief the program offered was not enough to offset the problems facing the school. The financial conditions that lead to the establishment of the leased facility-dual enrollment program have out distanced the benefits that accrue from it.

The principal of St. Mark's estimated that even with the dual enrollment - leasing arrangements the school would once again approach a deficit of $135,000.

The reasons for the new deficit were blamed on the loss of 264 tuition paying students from 1969-70 to 1970-71. The further complication was the fact that the parish built a new $400,000 church in 1969 and did not feel it could afford to continue to subsidize the school at the former level.

The lesson is perfectly clear: dual enrollment is a temporary measure, a stop gap technique. The ills that plague Catholic education will not be cured by dual enrollment. At best, such programs offer temporary relief to both the public and nonpublic sectors.

APPENDIX 1

Lease Agreement

St. Mark and Fitzgerald School Corporation

(CS;15):14

AGREEMENT OF LEASE

This agreement made and entered into this 7th day of May 1970, by and between John F. Dearden, Roman Catholic Archbishop of the Archdiocese of Detroit, 234 Washington Boulevard, Detroit, Michigan, hereinafter referred to as LESSOR, and the Fitzgerald Public Schools, A School District of the Third Class, with offices located at 23200 Ryan Road, Warren, Michigan hereinafter referred to as LESSEE.

WHEREAS, St. Mark's School, a parochial school situated at 4257 Bart, Warren, Michigan, is in the Fitzgerald School District and has an enrollment of approximately 726 students in grades one through eight of which approximately 505 are enrolled in grades four through eight, and

WHEREAS, St. Mark's School Finds it impossible to provide classes and educational services to all enrolled students for the school year 19 70 1971, and

WHEREAS, St. Mark's School, with a shared time program for grades four, five, six, seven and eight could provide classes and educational services for the school year 1970 - 1971, and

WHEREAS, the Fitzgerald Public School does not have classroom space, equipment and facilities to provide full-time educational services for all school children in the district, and

WHEREAS, Mark's School, by and through its School Board, in conjunction with the Rev. Maurice M. Veryeer, Pastor of St. Mark's

Parish, and His Excellency John F. Cardinal Dearden, Roman Catholic Archbishop of the Archdiocese of Detroit, who holds title to St. Mark's School, have offered the use of necessary classroom and other facilities to the Fitzgerald Public Schools, to be operated as a Public School housing a shared time program with St. Mark's Elementary School, and

WHEREAS, an additional amount of State Aid would be available to the Fitzgerald Public Schools as a result of an increased enrollment of part-time students, and

WHEREAS, such a lease and shared time program would be beneficial to the students and to the taxpayers of the Fitzgerald School District.

NOW THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

I

LESSOR for and in consideration of the rents to be paid and the covenants and agreements to be performed by the LESSEE does hereby lease to the LESSEE the following classrooms to be used for educational purposes for the teaching of a curriculum to part-time students as determined by the Fitzgerald Board of Education:

Rooms 25, 26, 27, 28, 29, 30, 31 and 32 and such other rooms and space as may be required. The entrance and exit to and from the leased classrooms is to be completely separate from any entrance and exit to the St. Mark's Parochial School classrooms, and the eight leased classrooms are to be identified as classrooms of either the elementary or junior high school as part and parcel of the Fitzgerald Public School System. That the use and grouping of students in classes held in the leased classrooms are under the direction and control of the Superintendent of Schools of the Fitzgerald School District.

Additional rooms and space shall be as mutually agreed upon by the parties hereto. In addition to the aforementioned classrooms and space as herein mentioned LESSOR also leases the student desks, chairs, teacher desk and chair, book cases, such textbooks owned by the LESSOR which are approved by the Fitzgerald Board of Education, and such other miscellaneous equipment as are contained in the classrooms.

II

LESSOR hereby makes available for the teachers and students of LESSEE toilets and lavatory facilities for girls and boys, teachers lounge, office space, gymnasium, files, public address system, clock system, central library facilities, including files and books located therein. The uses of these spaces and rooms and facilities shall not be exclusive as to either LESSEE or LESSOR but shall be used jointly.

III

The term of this agreement shall be for one year commencing

July 1, 1970

IV

LESSEE hires the premises and facilities for the term herein mentioned, and in consideration therefore, of the peaceful use and enjoyment thereof, and the performance of the terms and covenante to be performed by the LESSOR, agrees to pay LESSOR, as rent for said rooms and facilities mentioned above, the sum of ONE DOLLAR and other valuable consideration.

V

COVENANTS AND CONDITIONS TO BE PERFORMED BY LESSOR:

1. Provide fire, theft, and extended coverage insurance on the leased property, both real and personal.

2. Provide heat, light, water, labor costs for maintenance and custodial services, materials and supplies required for the care, cleaning and maintenance of demised premises and equipment for a well maintained school.

3. Promptly bill LESSEE for its share of said costs and expense including therewith a breakdown and itemisation of such costs and expenses. The total of all such costs and expense shall not exceed the sum of Seventeen Thousand Dollars.

VI

COVENANTS AND CONDITIONS TO BE PERFORMED BY LESSEE:

1. Use the classrooms and facilities herein provided for the purpose of providing public school classes and instruction to part time students enrolled in grades four, five, six, seven and eight.

2. Reimburse LESSOR for the pro rata share of expense incurred by LESSOR as outlined in paragraph V above by paying that portion of the above mentioned expenses as one-half of the enrollment of students in grades four, five, six, seven and eight, bears to the enrollment of all students enrolled in both shared time and no-shared time within the building in grades one through eight.

EXAMPLE:

Total enrollment in all grades	726
Part-time students enrolled in grades four through eight	505

Operational cost of building X $\frac{1/2(505)}{726}$ = LESSEES COST

The above formula shall be applied to the enrollments on the fourth Friday of September, but such enrollment shall not include more than 186 non-resident students.

3. Reimbursement may be less based on the formula above, but shall not exceed $17,000.00.

4. LESSEE may, as its own expense, make such alterations, modification and improvements to the demised premises, including the building and equipment, as LESSEE may deem necessary, provided LESSEE shall make no structural alterations or remove any equipment without the prior written consent of the LESSOR. Upon expiration of the term, LESSEE at LESSOR'S written request, shall remove alterations, modifications and improvements installed by LESSEE and restore the premises to the condition existing prior thereto. In the absence of such a request made prior to the expiration of the term hereof, all such alterations, modifications and improvements shall remain upon and be surrendered with the premises at the termination of this Lease; provided, however, that LESSEE may remove all furniture, equipment, supplies and teaching aids supplied by LESSEE, but shall restore the premises to the condition existing immediately prior to the installation thereof,

5. LESSEE shall not assign or transfer this lease or sublet the premises or any part thereof without the prior written consent of the LESSOR.

6. LESSOR may make such use of the classrooms as it may desire on days when the public school is not in session or when not used by the public school, providing prior permission is obtained from LESSEE.

VII

Any dispute over services supplied or to be supplied, and not supplied, or any other matter not covered specifically in this agreement, shall be resolved by a committee composed of the Presidents of the Fitzgerald Board of Education and the St. Mark's Board of Education and a third party mutually agreed upon by the respective Presidents.

VIII

The LESSOR shall, as its expense, promptly comply with all lawful laws, orders, regulations or ordinances of all municipal, county and state authorities affecting the premises hereby leased and the cleanliness, safety, occupation and use of name.

IX

LESSEE shall make payments monthly of amounts determined due in accordance with paragraph VI, sub-paragraph 2, above.

X

LESSOR covenants that the said LESSEE, on payment of amounts due hereunder and the performance of the covenants herein contained shall and may peacefully and quietly have and hold the demised premises for the term aforesaid.

XI

As a part of the consideration for this Agreement the parties hereto have entered into a INDEMNITY AND HOLD HARMLESS AGREEMENT in a seperate instrument executed simultaneously herewith, which is incorporated herein by reference and made a part hereof.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals as of the day and date first written above.

WITNESSED BY:

Lawrence J. Burr

Kenneth K. Kistner

Donald S. Durant

N.F. Dearden

FITZGERALD PUBLIC SCHOOLS

By: Paul T. Greening
President

By: Verna Rasmussin
Secretary

CASE STUDY SIXTEEN

Shared Services Leading to Dual Enrollment in Leased Facilities

Christ the King School
and
St. Peter's School

Rutland, Vermont

Dual Enrollment in Leased Facilities

Rutland, Vermont

Overview

Two hundred and fifty youngsters in Rutland, Vermont lead bifurcated school lives. The seventh and eighth grade students at Christ the King School and at St. Peters School study geography, language arts, science and physical education in public school classes operated in leased rooms in the Catholic school. They take the remainder of their subjects in the non leased, church operated portion of the building. The program began in November of 1970. The public school teachers employed in the leased classrooms were formerly employed by the Catholic schools to teach in these same classrooms.

Background

Rutland is nestled in the mountains of Southwestern Vermont. The population of 20,000 is approximately 50% Catholic. The area surrounding the city of Rutland is approximately 90% Protestant.

The Schools

The Catholic schools in Rutland are experiencing the same difficulties as are their Catholic counterparts in cities across the nation. Two years ago, Immaculate Heart of Mary Elementary School closed, leaving two Catholic elementary schools and one Catholic high school in the town. Christ the King, St. Peters, and Mt. St. Joseph Schools were, and still are struggling to continue in existence. Enrollment is dwindling and operating costs have continued to climb.

The public schools in Rutland are not having an easy time of it either. The cost of operation is increasing and facilities are beginning to become crowded. The public school population of 3,400 would be increased by almost 40% if the town's 1400 Catholic school students had to be assimilated into the public school system. As one public school official put it, "We're up against the wall, If anyone else closes, we'd be in very serious trouble."

Early Precident

Before analyzing the present plan, it is important to examine two earlier arrangements which, combined with the present financial status of public and Catholic schools, set the stage for the leasing-dual enrollment program.

First, since 1940, Catholic school students have been enrolled in pulbic school courses. This dual enrollment program was limited to vocational education courses and involved only a small number of studnet.

Second, until a 1960 state court decision ruled the long standing practice illegal, the Catholic high school had been reimbursed for the expenses involved in teaching secular subject to non Rutland residents. This arrangement paralled the state wide practice of rural communities without high schools reimbursing towns with high schools for educating their children. This policy was simply transferred to the Catholic high school which also charged "tuition" fees to outlying communities for children enrolled in the Catholic school. (This practice is still legal for non church related non public schools.)

A final prerequisite to the proper understanding of how the present plan developed, deals with the Rutland Town Charter. The charter fixes the amount of tax revenue that can be allotted to the operation of the schools. If the school boards wishes to initiate a program that places their operating costs over this amount, the charter stipulates that they must first get voter approval on the measure. We shall return to this factor later.

Events Leading to the Present Plan

The dual enrollment program in Rutland, Vermont began in 1966 with a discussion of a teacher loan program. Catholic school officials mentioned the idea to the public school board but no formal proposal was submitted.

School Year 1967-68

In February of 1968, three Catholic schools each asked the Rutland school board to loan them two teachers for physical education and art classes. The request did not involve either the leasing of facilities or dual enrollment. The Board was lukewarm to the plan because the Immaculate Heart of Mary School was in danger of closing. The school was losing both students and nuns. Its future was uncertain. If the school closed and the students had to be absorbed into the public school system, the additional expense would preclude the possibility of a teacher loan program. The plans for the teacher loan were dropped.

Late in the Spring, the principal at Immaculate Heart announced that the school would open in September once again.

School Year 1968-69

In 1969 the school board was again asked to approve a teacher loan program. The Board rejected the plan. But at a town meeting required before final approval of the school budget, some eight hundred Catholic students, teachers and parents, convinced the school Board to reconsider their earlier decision. When the votes were counted, the teacher loan program had been approved.

Shortly thereafter, the principal of the Immaculate Heart announced that the school would close in June. The assimilation of these students could not be financed within the limitations of the school budget, so the teacher loan program was dropped to make available the necessary school funds.

School Year 1969-70

In December 7, 1969, Catholic school officials again requested the loan of six teachers, two each for Mt. St. Joseph's High School, Christ the King and St. Peters Elementary School. The instructors were to teach secular subjects in the Catholic schools. The request was approved. The teacher loan program raised the school budget over the limit allowed by the Town Charter and this required that the people of Rutland vote on the program.

In March 1970, the specific plans for Christ the King, St. Peters, and Mt. St. Josephs were defeated in a town referendum by one hundred votes. However, because of a split ballot the concept of a teacher loan program itself was approved. Public and non public school officials were not clear about the implications of such a split vote. Consequently another ballot was prepared.

In April 1970, a revised ballot with several programs trimmed down but with the teacher loan program intact, went to the voters. It was unanimously rejected.

In July 1970, a ballot containing a teacher loan program requesting four teachers instead of six, was rejected by the voters.

Finally, on September 8, 1970, the voters approved a teacher loan program. The ballot had itemized four programs for which additional funds were needed. These were 1. a kindergarten program; 2. general school purposes; 3. "teacher loans of two teachers each to Christ the King and St. Peter's School;" and 4. extracurricular and athletic activities. Each item was voted on separately and all but the first item were approved: (sample ballot in Appendix 1).

Legality

The major argument employed by the Catholics in support of the teacher loan plan, was that all students are under the jurisdiction of the public school board. The fact that they might be in Catholic schools most of the time, did not make the school board any less responsible for their education.

At no point was it argued that the teacher loan program was needed to keep the remaining Catholic schools open.

The State attorney general's office handed down an opinion on the Rutland plan on March 3, 1969. At this point, the plan still did not involve leasing or dual enrollment and the teachers were to be loaned for art and physical education classes only. In a detailed opinion (cf Appendix 2), the assistant attorney general outlined the major federal and state case hearings on the issue; reviewed the applicable Vermont state statutes; cited the particulars of the Rutland plan; and the conclude that:

> "The question that then arises in the instant case is whether there is a "secular*** purpose and a primary effect that neither advances nor inhibits religion." If the Rutland School Board intends to provide instruction in physical education and art for the primary purpose of assuring that all of the pupils in the school district are provided proper secular education, then notwithstanding the fact that there may be a secondary effect of saving the Parochial school system some money, the plan would be constitutionally valid, so long as certain conditions are met. The conditions are:
>
> > 1. The teachers must remain definitely and strictly under the control of the public school authorities in order to insure that no religious or religion oriented instruction is given.

> 2. The number of teachers supplied can never become a very significant percentage of the teaching population of a given school.
>
> The latter condition must be emphasized. As the number of teachers supplied by the public school system increases the primary purpose of supplying teachers must inevitably begin to shift from providing education to all the children, to keeping the Parochial school open. Once the primary purpose does shift, the plan immediately becomes violative of the Establishment Clause."

The American Civil Libertion Union kept close track of the Rutland plan as it developed. In 1968, the President of the Rutland School Board was also the President of the Vermont Chapter of the ACLU. It was not by coincidence that the chaper's annual meeting was held in Rutland that year, and that the main topic of discussion was teacher loan programs.

The December 2, 1970, Rutland Herald, reports a formal ACLU investigation of the Rutland plan and the likehood of ACLU legal action being taken against the school department. (Appendix 3) A suit has never been filed. Observers close the scene felt that the ACLU could not find a local person to bring suit against the school board. Others feel that the ACLU was never to sure of its case.

Dual Enrollment & Leased Facilities Emerge

In August 1970, the principal at Mt. St. Joseph's High School learned of a plan similiar to the Rutland proposal which had been declared unconstitutional in Montana. That state's supreme court, on July 28, 1970 in Charvlers V School District 10, ruled illegal a teacher loan program almost identical to the Rutland plan. Fearing lengthy legal action stemming from this precident, school officials adapted the plan in a way they felt would make it less susceptable to legal action. In this revised scheme, the teachers on loan would conduct classes in facilities leased in the Catholic schools by the public school board. This plan was thought to be more capable of withstanding legal assalt since it allowed for complete and exclusive public school control of both classrooms and teachers.

The Arrangement

The public school board leases two classrooms in St. Peters School and two in Christ the King School. Public school teachers are employed in these rooms for instruction in language arts, science and geography. The four teachers involved were formerly employed in these same rooms under Catholic auspices. One hundred and thirty students are enrolled in these classes. This information is summarized in Table 1.

All religious insigna have been removed from the leased classrooms and they are operated as public school facilities. The teachers are responsible to the superintendent and the school board; they must comply with all public school rules and regulations, and must teach the prescribed public school curriculum.

Administrative Policy

The teaching schedule for the dual enrollment program was developed by the four teachers and the principals of the Catholic schools. The schedule was approved by the public school superintendent on November 2, 1970. (Appendix 4 Par. 5) The school operates on the public school calender.

The students receive two report cards. The courses they take in the leased facilities are credited by the public school department and transferred to their permanent record in the Catholic school.

In a letter to the principal of Christ the King School, the public school superintendent writes, "the children being taught by the employed and assigned teachers will be public school children and appropriate Vermont state attendence

TABLE 1

Details of Rutland Plan

School	Grades	Enrollment	Dual Enrolled Grades	Dual Enrollment	Leased Rooms	Leased Teachers
Christ the King	1-8	430	7,8	130	2	2
St. Peters	1-8	425	7,8		2	2
Mt.St.Joseph's High School*	9-12	575	9-12	150**	2	2

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*To begin, September 1971

**Estimated

registers will be kept by the teacher..." (Appendix 4, par. 2) A list of children absent from the public school portion of the day is sent daily to the Catholic school office.

Public school teachers in the leased classrooms customarily go to the Catholic school principal for advise on students having academic or discipline problems. Although the teachers are legally responsible to public school administrators, this informal arrangement is encouraged for a practical reason: the Catholic school principal works with the teachers and students on a day-to-day basis and is in a better position to offer advice and direction.

Normally, the home district of a non-Rutland resident who attends a Rutland public school, is assessed a tuition fee from the Rutland School department. A reimbursement policy for dually enrolled students has not yet been formulated. The proposed policy would find the Rutland schools charging half of the usual fee for out of town students.

Finances

The four classrooms are each leased for $50 a year. The four teachers have an average salary of $8,500; this totals $34,000 yearly. Thus the entire program costs the school department $34,200 a year.

The Lease

The lease does not specify educational policies. It names the rooms involved the lease; the term of the agreement - November 10, 1970 to June 11, 1971, and the hours when the lease is in effect - 8:30 - 4:00 p.m. The rights and responsibilities of the two parties are now deliniated.

The the terms of the lease, the Catholic parisher will remove all religious symbols from the classrooms during the hours in which the lease is in effect. Furthermore, the parish will bear the total cost of oil, electricity, water, and telephone usage, as well as maintenance, snow removal, janitorial services and major repairs on the building and all permanent equipment.

The public school department may use all the personnel property, utilities furniture, fixtures and equipment in the classroom. The department will pay for damages and wear and tear that accrue from the use of the classrooms. The school board must insure the building and property for public use during the hours that classes are in session.

Becuase of the several legal questions that the program could raise, the following clause was inserted into the contractual agreement.

"In the event that the lessee is enjoyed or stopped by any court from expending tax money to impliment a voter approved teacher loan program, this lease shall become null and void and the obligation to pay rent shall be suspended."

Also in anticipation of possible legal action, the rent fee was set at $50.00 instead of the customary nominal fee of $1.00. Legal council advised that if a suit was argued, a one dollar rental fee could be proven nominal much more readily then could a $50.00 fee.

State Aid

State educational aid in Vermont is computed with a formula containing four variables. One of these variables is Average Daily Membership, an estimate of the average number of youngsters that attend a school daily. The ADM is calculated at the end of the first thirty days of the school year. Since the Rutland program did not begin until November, the question of including dual enrolled students in ADM calculations was not raised this year.

The school superintendent does plan to enter these students in his count next year. This will have two legal ramifications. First, it will provide a test case for the practice of including part-time dual enrolled students in an ADM count, and second, since expenditure of state funds is in question, any taxpayer in the state will be able to file suit against the Rutland School Board to stop this action. Up to now, only a Rutland taxpyer could have filed suit becuase only Rutland tax revenue has been expended.

Ancillary Programs

In addition to the local cooperative venture thus far described, the Rutland school department also rents the facilities of the now defunct Immaculate Heart Elementary School for $12,000.000 per school year. The public school operates kindergarten, first grade, and special education classes in this facility. The fee is exactly equal to the yearly assessment the parish must pay in support of the regional Catholic High School, Mt. St. Joseph's. In addition to this $12,000, the public school must pay for utilities and maintenance of the building. The facility is operated exclusively as a public school, there is no dual enrollment or Catholic involvement of any kind.

Conclusions and Predictions

The leased facilities-dual enrollment plan in Rutland, Vermont is a financial expedient. Although all the legal issues are not yet resolved and public support was difficult to obtain, the public school system clearly finds the program a desirable alternative to assimilating the Catholic school enrollment. The Catholics, on their part, find that the program provides temporary financial relief while at the same time expands their educational program.

On March 12, 1971, the voters approved the exapansion of the plan to include two Business teachers for the Catholic high school. Thus, in September, six public school teachers will be employed in classrooms leased within Catholic schools.

The Rutland plan will cost the school board approximately $51,400 next year. Pro-rated state aid might reduce this cost, but even without state aid, the program is far less expensive then the cost of assimilation of 1400 Catholic school students. In the three Catholic schools that continue to operate, enrollment is decreasing and expenses continue to mount. The Catholic schools lose money on the terms of the lease, but they save substantially on the overall program because the public schools supply the six teachers.

This relatively successful program contains one particularly disturbing element. The evaluation of Catholic offices of the program seem to be too optimistic. The arrangement is called "The Rutland Plan" by the Catholic official most responsible for its development. It is considered unique and possessed of great potential by Catholics in Rutland.

Evidence from other case studies suggest that no such enthusiasm is warranted. Such programs have been operated for years and clearly provide only temporary relief. It appears that Catholic school officials do not realize the temporary nature of their Rutland plan. If school officials think that this program is a solution to their problems and do not seek more permanent alternatives, the consequences based on the experiences of other communities seem to be inevitable: the boys and girls in the Rutland public schools will have a lot of new classmates in the not to distant future.

(CS:16:17)

APPENDIX 1

Sample Ballot

September 8, 1970

(CS:16:18)

SAMPLE BALLOT

OFFICIAL BALLOT

Special City Meeting, September 8, 1970

To vote in favor of the question, place a cross (X) in the square marked YES at the right of the question.

To vote against the question, place a cross (X) in the square marked NO at the right of the question.

SHALL THE FOLLOWING QUESTIONS BE APPROVED		
Shall the City Council be authorized to assess upon the Grand List of the City of Rutland an additional tax of 31c (thirty-one cents) upon each dollar of the Grand List in excess of the amount authorized by the Charter, for general school purposes? (Supervisory Personnel, Textbooks, Library Books, Student Services, Equipment)?	YES	NO
Shall the City Council be authorized to assess upon the Grand List of the City of Rutland an additional tax of 17c (seventeen cents) upon each dollar of the Grand List in excess of the amount authorized by the Charter, for the reestablishment of kindergartens and related rentals of space for special education programs?	YES	NO
Shall the City Council be authorized to assess upon the Grand List of the City of Rutland an additional tax of 7c (seven cents) upon each dollar of the Grand List in excess of the amount authorized by the Charter, for teacher loans of two teachers each to Christ The King and St. Peter's School?	YES	NO
Shall the City Council be authorized to assess upon the Grand List of the City of Rutland an additional tax of 6c (six cents) upon each dollar of the Grand List in excess of the amount authorized by the Charter, for extra-curricular and athletic activities at Rutland Junior High School and Rutland Senior High School?	YES	NO

(CS:16:19)

APPENDIX 2

Attorney General's Opinion
on the Rutland Plan

Governor's information

(CS:16:20)

STATE OF VERMONT
Office of the Attorney General
MONTPELIER

C
O
P
Y

NO. 95

March 3, 1969

MISCELLANEOUS

Dr. James J. Tinney
Superintendent of Schools
Rutland Public Schools
Administrative Offices
6 Church Street
Rutland, Vermont 05701

Dear Dr. Tinney:

You have requested our opinion as to the statutory authority and constitutionality of a proposed plan by the Rutland Public Schools system to provide instructors to Parochial schools in the City of Rutland, Vermont.

As we understand it, there are two situations. In the first, the Parochial Elementary Schools have requested instructors who are to carry on programs of physical education and art instruction. The instruction is to be non-religious in nature, being the same course of instruction presently given at the Rutland Public Schools in those two subjects. The instructors are to be employed and paid by the public school and their assignments to the various Parochial schools will be made by public school officials. There will be three full time teachers of physical education and one full time and one half time art teacher. Supervision of the employees will remain the responsibility of the Rutland City Schools, the employer.

The second request is from Mt. St. Joseph Academy, a Parochial secondary school located in the Rutland City School District, for two, full time, physical education teachers. They are to be employed by the Rutland City School system. Supervision of these personnel will remain the responsibility of the Rutland City School system.

So far as the legality of the proposed plans is concerned, both suggested plans present the same issues which are:

1. Does the charter of the City of Rutland provide authority for permitting public school teachers to give instruction in non-public schools?

2. Are there any State statutes which prohibit a public school system from providing instruction in a Parochial School despite charter authority?

3. Are there United States or Vermont constitutional prohibitions against a public school providing instruction in a Parochial school system assuming that there is charter and statutory authority for so doing?

These issues will be discussed in order with reference to the above factual situations.

The Rutland City Charter in sections 193-206 establishes a board of school commissioners and sets out the duties and responsibilities of that board. Section 205, referring to the board of school commissioners' duties, states:

> "The board of school commissioners shall prepare and submit to the city council on or before the first Monday in June, and annually thereafter, a recommendation of the sums as shall be necessary for the use of schools in the city for the year ensuing from the first day of the following July. The city council shall annually appropriate for the use of schools the sums as shall be recommended by the board of school commissioners, * * *." (Emphasis added.)

A basic rule of charter construction is that the language therein is to be given its plain meaning interpreted in the ordinary sense of its use. 16 McQuillin, Municipal Corporations, sec. 9.22 (3rd Ed. 1963). The plain meaning of the language set out above is that the Rutland board of school commissioners has the authority to hire teachers and to expend sums "for the use of schools in the city". There being no restrictive language in the charter, we conclude that teachers can be paid by the city and used in any schools in the city.

Notwithstanding the above, it is helpful to examine the State statutes which bear upon the question of education to see whether the General Assembly has expressed reservation about the use of public funds in non-public schools. Title 16, section 799, V. S. A. provides:

> "A town district shall not pay the tuition of a pupil receiving advanced instruction except to a high school or academy approved by the board of education."
> (Emphasis added.)

Section 901 of the same title provides:

> "The board of school directors may provide for instruction in vocal music, physical culture and drawing by the regular teacher, or by a teacher employed for such purpose."

Title 16, section 1121 provides:

> (a) A person having the control of a child between the ages of seven and sixteen years shall cause such child to attend a public school continually for the full number of days for which such school is held, unless such child is mentally or physically unable so to attend or is otherwise being furnished with equivalent education * * *.
>
> (b) The determination of equivalency referred to in subsection (a) of this section shall be made by the state department of education and certified to the school directors." (Emphasis added.)

Section 3222 of Title 16, discussing town school districts states:

> "(E)ach town district shall vote such sums of money as it deems necessary for the support of schools therein * * * ."

And Title 16, section 3445, which refers to state aid to education provides:

> "State aid may be used by a town school district or an incorporated school district only for legitimate items of current expense, including, but without limitation, the following:
> transportation, advanced instruction, supervision and teachers' salaries."

The quoted statutes reveal that the legislature has stated that children shall be educated either in public schools or their equivalent (section 1121) and that education can only be given in public or "approved schools" (section 799 and 1121(b)). It is significant that even in the area of state aid to education the only restriction is "legitimate items of current expense, including * * * teachers' salaries" (section 3445).

An opinion of this office has already ruled that the general provisions of Title 16, section 901, supra, which provide for instruction in music, physical culture and drawing would permit physical education instructors from the public schools to teach courses in that subject to parochial school children. See 1964-66 A.G.O. 79

We conclude that the state statutes pertaining to education in no way restrict the charter authority given to the Rutland Public School system to provide education to children in Parochial schools.

There remains the question of whether either the Vermont or United States Constitutions in any way restrict that authority. The applicable provisions of those two documents are:

> "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof * * *."
> Amendment One of the Constitution of the United States.
>
> "That all men have a natural and unalienable right, to worship Almighty God according to the dictates of their own consciences and understandings, as in their opinion shall be required by the word of God; and that no man ought to, or of right can be compelled to attend any religious worship, or erect or support any place of worship, or maintain any minister, contrary to the dictates of his conscience, nor can any man be justly deprived or abridged of any civil right as a citizen, on account of his religious sentiments, or peculia(r) mode of worship; and that no authority can, or ought to be vested in, or assumed by, any power whatever, that shall in any case interfere, or in any manner control the rights of conscience , in the free exercise of religious worship. Nevertheless, every sect or denomination of christians ought to observe the sabbath or Lord's day, and keep up some sort of religious worship, which to them shall seem most agreeable to the revealed will of God."
> ARTICLE 3rd, Chapter I, Constitution of Vermont.

It has been decided that the wording of the First Amendment of the United States Constitution along with its history, both in and out of the court, is more demanding on the question of religion in education than is the quoted language from the Constitution of Vermont. Swart v So. Burlington, 122 Vt. 177, 184 (1960). Accordingly, in this opinion we will consider the effect of the First Amendment as interpreted by the Supreme Court of the United States and the Vermont Supreme Court as it bears on the above question. If the plan proposed by the City of Rutland passes the test of the United States Constitution, then a fortiori it passes the test of the Vermont Constitution.

The precise question presented here, i.e., whether a public school system can loan teachers to a Parochial school system has never been directly presented to either the United States Supreme Court or the Supreme Court of the State of Vermont. It is necessary, therefore, to examine cases which have different fact patterns bearing on the general question of separation of church and state in an attempt to glean from them, principles which will aid in rendering an opinion as to the constitutionality of the proposed plan.

It is clear that religious activities which take place in a public school are considered by the United States Supreme Court to constitute a violation of the Establishment Clause. Thus, in the case of McCollum v. Board of Education, 333 U. S. 203 (1948), a plan by which the public school permitted religious instructors to come into the public school building and teach religion to those who desired it, was struck down as being contrary to the United States Constitution. The Court said:

> "Here not only are the states' tax-supported public school buildings used for the dissemination of religious doctrines, the state also affords sectarian groups an invaluable aid in that it helps to provide pupils for their religious classes through use of the state's compulsory public school machinery. This is not separation of church and state." Id. at 212.

Later, in the case of Engel v. Vitale, 370 U. S. 421 (1962), the United Stated Supreme Court determined that using the public school system to encourage recitation of a prayer is a violation of the Establishment Clause of the Constitution. Then in the case of Abbington School District v Schempp, 374 U. S. 203 (1963), a plan whereby excerpts were read from the Bible, without comment, in the public school was declared an "establishment" of religion.

It is significant to note that in each of the above cases, the religious activity was being conducted in the public schools.

The Vermont Supreme Court in Swart v. So. Burlington, supra, held that blanket tuition payments to Parochial schools are an establishment of religion, stating:

> "(T) he same fundamental law which protects the liberty of a parent to reject the public system in the interest of his child's spiritual welfare, enjoins the state from participating in the religious education he has selected." Id. at 188.

Contrast cases which were not considered to be violative of the First Amendment. For example, in Everson v. Board of Education, 330 U. S. 1 (1946), it was determined that a public school board could provide money for transporting school children in the district to Parochial schools. And in Zorach v. Clauson, 343 U. S. 306 (1952), a program in New York whereby students who wished to take religious instruction were released from the public school system on written request of their parents. The Court said:

> "Government may not finance religious groups nor undertake religious instruction nor blend secular and sectarian education nor use secular institutions to force one or some religion on any person. But we find no constitutional requirement which makes it necessary for government to be hostile to religion and to throw its weight against efforts to widen the effect and scope of religious influence. The government must be neutral when it comes to competition between sects." Id. at 314.

In Board of Education v. Allen, ___U. S.___, 88 Sup. Ct. 1923 (1968), it was decided that a New York law which requires the loaning of school books to all school children in grades 7-12 (including Parochial schools), which law was based upon "furtherance of the educational opportunities available to the young" was not a violation of the Establishment Clause. The Court noted that the books furnished were secular books only.

The above cases obviously indicated that the wall of separation between church and state is considered by the Court to be permeable, with the degree of separation determining whether the First Amendment is violated. See Vt. Educational Buildings Financing Agency v. Mann, June Term 1968 (Vt. Sup. Ct.). It is necessary to examine some of the recent cases to determine the test to be applied to any given situation in order to predict what the courts might do if called upon to make a declaration regarding constitutionality in the instant case. In Abbington School District v. Schempp, cited above, it was said:

> "The test (of establishment) may be stated as follows: what are the purpose and the primary effect of the enactment? If either is the advancement of religion then the enactment exceeds the scope of legislative power as circumscribed by the Constitution. That is to say that to withstand the strictures of the Establishment Clause there must be a secular legislative purpose and a primary effect that neither advances nor inhibits religion." Id. at 222.

This test was reiterated and approved in Board of Education v. Allen, cited above, wherein it was determined that loaning non-religious text books to Parochial schools was not unconstitutional.

The question that then arises in the instant case is whether there is a "secular * * * purpose and a primary effect that neither advances nor inhibits religion." If the Rutland School Board intends to provide instruction in physical education and art for the primary purpose of assuring that all of the pupils in the school district are provided proper secular education, then notwithstanding the fact that there may be a secondary effect of saving the Parochial school system some money, the plan would be constitutionally valid, so long as certain conditions are met. The conditions are:

(1) The teachers must remain definitely and strictly under the control of the public school authorities in order to insure that no religious or religion oriented instruction is given.

(2) The number of teachers supplied can never become a very significant percentage of the teaching population of a given school.

The latter condition must be emphasized. As the number of teachers supplied by the public school system increases the primary purpose of supplying teachers must inevitably begin to shift from providing education to all the children, to keeping the Parochial school open. Once the primary purpose does shift, the plan immediately becomes violative of the Establishment Clause.

The fact that it is so difficult to draw a clear line indicating how far such a plan may go leads us to express certain reservations and make some suggestions. First, this plan or any similar plan to loan teachers from the public school system to the Parochial school system must be devised by the school board with the uppermost consideration being education of all the children in a school district, not the aid or furtherance of a Parochial school. Secondly, if a given school district is to engage in such a plan, it must realize the very real practical problems which may arise in the future. If the Rutland Public School system provides physical education and art instruction thi year, may it refuse next year to provide instruction in mathematics and physics? If the public school system provides teachers under this plan this year, what will prevent other schools of other denominations from beginning an instructional program and demanding public school teachers to man all their classrooms except in classes giving religious instruction?

The United States and Vermont Constitutions in our opinion would not prohibit a carefully controlled plan of teacher loans. It may well be, however, that the practical considerations of having to re-examine the plan annually to determine the extent to which such a plan should be carried, give cause to reconsider the wisdom of adopting such a plan.

Numerous public school districts throughout the country have adopted so-called "shared time" plans which appear to offer less cumbersome and potentially less constitutionally objectionable plans, than the proposed Rutland plan. A National Education Association survey in 1964 indicated that 30-35 states had one or more school systems with a "shared time" program in operation. See 20 Vanderbilt Law Review 1078, 1113. Several state courts have ruled that such plans are constitutional. See, XVII De Paul Law Review, 373 et seq.

Under "shared time" plans an agreement is reached between the public school system and a private school, whereby a child takes part of his school work in a public school and part in a private school. During the child's stay in the public school, his instruction is by public school teachers and he is under the supervision of public school officials. Since the potential benefit to a Parochial school is less direct under a "shared time" plan than would be the case under a teacher loan plan (especially if the number of teachers loaned became great), the possible constitutional objections are less strong under a "shared time" program. We therefore feel that a "shared time" program would be a better alternative than a teacher loan plan.

This opinion should be strictly construed to apply only to the plan submitted to us by the Rutland School system. We take no position as to the ramifications which the teacher loan plan may have in applying the state aid to education formula.

Very truly yours,

FRED I. PARKER (signed)
Deputy Attorney General

APPROVED:

Attorney General (signed)

(CS:16:26)

APPENDIX 3

"Teacher Loan Checked by
Vermont Chapter of ACLU"

Rutland Herald, December 2, 1970

5:27) Rutland Herald

Teacher Loan Checked By Vermont Chapter ACLU

By NICK MARRO

The Vermont Chapter of the American Civil Liberties Union has assigned a lawyer to investigate the loaning of public school teachers to parochial schools by the Rutland School Department.

The ACLU is expected to bring some type of court action against the city school department following the investigation.

The ACLU asked Atty. Gary Brown of Woodstock to check into the Rutland teacher loan. Brown will make formal recommendations on what action should be taken to the ACLU Board of Trustees.

Atty. Brown is a member of the Vermont ACLU.

The teacher loan has been the subject of much controversy between public and private school officials and members of the ACLU since Rutland voters approved loaning teachers to the city's Catholic schools in September.

The school department has since loaned two teachers each to the two Catholic elementary schools. In addition, the school department has leased classroom space within the Catholic school plants to be used by the public school teachers as public school classrooms.

All religious objects have been removed from the rooms rented to the city school department, and the teachers loaned to the parochial schools are teaching non-religious subjects.

Tuesday, Vermont ACLU president Atty. Peter F. Langrock of Salisbury said the ACLU believes that the city is violating the First Amendment of the U.S. Constitution by loaning teachers to private schools.

Atty. Langrock Tuesday said he anticipates that some type of action would be brought against the city school department, but quickly added that he was not sure when the action would be brought or what the exact charge would be.

He said only that the ACLU had assigned a lawyer to investigate the teacher loan, but added that he did not think it was the proper time to say who the lawyer was or what type of investigation was being carried out.

It was learned later Tuesday that Atty. Brown had been asked to research the Rutland teacher loan and make formal recommendations to the ACLU Board of Trustees.

Atty. Brown said Tuesday evening that he was looking into the facts behind the teacher loan, and would investigate the matter thoroughly before he made any recommendations.

He said he was currently checking the minutes of past School Board meetings and assorted articles written about the teacher loan. Atty. Brown said that he definitely will recommend that some action be brought.

Brown and Langrock denied that the ACLU was searching for a Rutland taxpayer to file a complaint against the school department because of the teacher loan. But Langrock said that the ACLU would assist any Rutland resident who sought to bring action against the city.

If legal action is brought by the ACLU, the present leasing agreement between the city and the parochial schools would be void.

City Atty. Richard W. Norton Tuesday said that a clause was written into the agreement that voids the contract should the city be stopped by court order from loaning the teachers.

The School Board gave its approval to the loan Nov. 12. Contracts for four teachers were issued and they have been on the job for the past week.

The teachers are teaching mathematics, geography, science and language arts.

A annual rental fee of $50 each is being paid by the city for the four classrooms. The parochial schools will heat the classrooms and will be responsible for normal maintenance.

City funds will be used to pay for public liability while the rooms are being utilized by the school children.

(CS:16:28)

APPENDIX 4

Superintendent's Specification of Educational Policy

(CS:16:29)

RUTLAND PUBLIC SCHOOLS

ADMINISTRATIVE OFFICES, 48 EAST ST., BOX 884
802—773-8188 RUTLAND, VERMONT 05701

DR. JAMES J. TINNEY
SUPERINTENDENT OF SCHOOLS

November 2, 1970

Sister Mary Michael, Principal
Christ the King School
Rutland, Vermont 05701

Dear Principal:

In order to implement the voter approved teacher loan program to our mutual satisfaction, it is necessary to indicate to you the general employment conditions which are expected and applicable to all public school teachers.

1. The teachers to be employed will be public school employees under the supervision of the Superintendent of Schools and/or his appointed representatives. (In this case, the Junior High School Principal and Related Junior High School Subject Area Department Head). Attached are copies of the Rutland Junior High School "Information For Teachers" Substitute teachers will be provided by the Rutland Public Schools. Contact the Junior High School Principal at his home no earlier than 6:30 A. M. and up to 7:20 A. M. or during the evening (773-7439).

2. The children being taught by the employed and assigned teachers will be public school children and appropriate Vermont State Attendance registers will be kept by the teachers and appropriate student records of courses taken will be maintained.

3. The teachers to be employed will be teaching in the leased classroom areas which is considered public school property during the time of instruction and under the terms of the lease. This, of course, is done to comply with the School Department insurance coverage and state mandated personnel liability insurance program. Also, lease arrangement, in my opinion, will have public school teaching employees working on public school property and thereby avoid an obvious constitutional question.

4. All necessary teaching materials and supplies for these employees to carry out their assignments will be provided by the Rutland City School Department.

5. The teaching schedules for secular subjects for these employees as worked out with you and submitted to my office, are satisfactory.

6. As indicated in October 13th, 1970 correspondence submitted by Mr. Al Cioffi, Chairman of the St. Peter's School Board and Mr. Leonard Wing, Chairman of the Christ the King School Board, religious symbols will not be displayed during the rental period in the identified teaching areas.

It is my considered opinion that since this voter approved teacher loan concept is new and unique to Vermont, there will be situations and events which have not been anticipated in our discussions or correspondence. Therefore, I suggest such situations should be handled as they arise and I urge you to be patient. I am looking forward to working with you and your colleagues for the successful implementation of this voter approved teacher loan.

Sincerely yours,

James J. Tinney
Superintendent of Schools

JJT:k

(CS:16:30)

APPENDIX 5

Lease Agreement

(CS:16:31)

THIS AGREEMENT MADE AND CONCLUDED between the Diocese of Burlington, a Roman Catholic Diocese in the State of Vermont with a principal place of business in Burlington hereinafter called the LESSOR:

And the City of Rutland, a Municipal Corporation located in the City of Rutland, County of Rutland, State of Vermont, with a principal place of business at City Hall, hereinafter referred to as the LESSEE:

WITNESSETH:

For the consideration hereinafter set forth and reserved, the said LESSOR has and by these presents does hereby demise and let unto the said LESSEE the following described premises:

A. At Christ the King School, located at the corner of Killington Avenue and South Main Street, City of Rutland, Rooms 202 and 205.

B. At St. Peters School located at the corner of River and Meadow Streets, City of Rutland, Rooms 2B and 4B.

The LESSOR agrees to lease said classrooms during the hours set aside for instruction under the teacher loan program authorized by Rutland voters on September 8, 1970.

LESSOR agrees that all religious symbols such as crucifixes, statues, etc. will not be displayed during the rental period.

This lease shall commence on November 10, 1970 and shall terminate on June 11, 1971.

The rent for said premises shall be $50.00 per class room during the school year as reflected on the Rutland Public School year calendar. Payment shall be made upon the termination of each school year as so defined.

It is further agreed under this lease that the said LESSEE may use all the personal property, including furnishing and fixtures and equipment in said classrooms.

(GS:16:32)

LESSOR shall bear the total cost of all oil heating, electricity, water, and telephone communications.

In the event that the Lessee is enjoined or estopped by any court from expending tax money to implement the voter approved teacher loan program, this lease shall become null and void and the obligation to pay rent shall be suspended.

The LESSOR shall be responsible for normal plumbing maintenance, normal maintenance of snow removal from the roof, normal maintenance of the sidewalk and normal maintenance of the windows, which may be damaged or broken as a result of student activity in said leased premises.

The LESSOR shall pay all costs of janitorial service.

The LESSOR shall be responsible for major repairs to the building and equipment, including water heaters, boilers, oil burners, and water pumps.

The City of Rutland shall be responsible for other expenses, not mentioned above, e.g. damages and repairs which accrue from the use of said school rooms. These items of damage shall be negotiated and interpreted by mutual agreement between the LESSOR and the LESSEE.

The LESSEE shall insure the school building and property for public liability, during the hours when said rooms are being utilized under this agreement. The LESSOR shall maintain fire insurance. If the said structure is damaged by fire to the extent that classes can not be conducted in the usual manner, then the said lease shall become void as of the date of said fire. All proceeds from any and all fire insurance carried by the LESSOR on the school building shall accrue to the benefit of the LESSOR.

The LESSEE shall be allowed at reasonable times to enter the said structure to examine the condition thereof during the term of this lease.

(CS:16:33)

IN WITNESS WHEREOF, the said LESSEE has caused these presents be executed by its MAYOR pursuant to the authorization by the Rutland City Board of Aldermen granted at the meeting of 16 NOVEMBER, ________, 1970 directing the said MAYOR to sign the agreement in behalf of the City, and the LESSOR has caused these presents to be executed by its duly authorized officer and its presents to be sealed and affixed following the day and the year of first above written period.

The City of Rutland

By Harold J. Nichols

Mayor Harold J. Nichols

Diocese of Burlington

By + Robert F Joyce

STATE OF VERMONT)
) ss
COUNTY OF RUTLAND)

On this 17 day of NOVEMBER, 1970, before me this subscriber personally appeared, Harold J. Nichols to be known as Mayor of the City of Rutland, and acknowledged said instrument to be his free act and deed.

Before me,

John W Barrett

Notary Public

STATE OF VERMONT)
Chittenden) ss
COUNTY OF ~~RUTLAND~~)

On this 20 day of November, 1970, before me this subscriber personally appeared Robert F. Joyce representative for Diocese of Burlington and acknowledged said instrument to be his free act and deed.

Before me,

Louis E. Gelineau

Notary Public

CASE STUDY SEVENTEEN

Leased Facilities and Leased Services

South East Dubois School
Corporation

Dubois County

Ferdinand, Indiana

Dubois County

South East Dubois School Corporation

Overview

Dubois County in Southern Indiana is divided into four separate school Corporations: South East Dubois, Jasper, Huntington and North West Dubois School Corporation. Each includes several towns or townships. The South East Dubois Cooperation takes in Ferdinand, Birdseye, Jefferson and Jackson Townships.

Ferdinand is a town of 3,500 about forty miles West, North West of Evansville. Although 98% of the population is Catholic, the town does not have any Catholic schools. The Catholic parishes have built schools but have leased them all to the Public School Corporation. On the elementary level, the Corporation operates forty-two classrooms, thirty-two of which are leased from the Catholic parishes. Approximately nine-hundred and sixty of the Corporations 1,260 elementary school youngsters attend class in the leased facilities. Thirty-two of the forty-two teachers working in these rooms are Roman Catholic nuns hired by the Corporation. The public high school is the former St. Ferdinand High School. The Corporation now owns it on a lease to purchase arrangements.

The public school Superintendent reports that the extensive leasing of Catholic facilities and professional services began before the Civil War. Until the middle of the 1940's, the School Corporation did not own any facilities, and the staff was entirely Roman Catholic nuns under the employ of the Corporation.

Background

The extensive program of leased facilities and services operating in Ferdinand is only understood if viewed in historical perspective. Ferdinand was settled in 1840 by Father Joseph Kundak, a Catholic priest from Germany. The town was explicitly established as a German Catholic protectorate. Since Ferdinand was set-up as a Catholic colony it is not surprising that church and civil history are intimately interwoven.

The first school was set up in the back half of a log church in 1842, and expanded into the whole cabin in 1845 when a new church opened. In 1863, the wooden structure was replaced by a brick school built by the Catholic parish. The schools in Ferdinand have been public institutions since the creation of the Township. The minutes of a Town Council meeting held on November 18, 1848 report that the "Township Ferdinand Trustees order that the township treasurer be authorized to receive dividends due this township from the County Treasurer and School Commissioner."

Although the schools were "public" institutions, under the jurisdiction of the Town Trustees and School Board, the Catholic Pastors controlled them for many decades. Until 1910, the Catholic pastor of St. Ferdinand was automatically elected Chairman of the School Board and even after 1910, he clearly had a powerful influence on the Committee.

Catholic control of the public schools can be easily understood. Everyone in the town was devotedly Catholic and had a strong sense of responsibility and obedience to the Catholic pastor. The Pastor's pulpit was a far more effective lobying post than the public podium used by civil officials at town meetings.

"Immigrants" to Ferdinand had little chance of influecing town politics since the town's German identity excluded from power all but German speaking people. German speaking newcomers were almost always Catholics from the old country and immediately deferred to the wisdom and power of the pastor.

Catholic domination of the public schools system was absolute until 1946. Until this time, the Corporation leased all its facilities and services from the Catholic parishes and the Catholic religion was an integral part of the public school program. In 1946, the public schools escaped from Catholic control. The separation was not initiated by school or town officials, but was brought about through the legal efforts of the Protestants and Others United for Separation of Church and State. The PAOU argued that the practice of Catholic priests teaching religion during the day in public schools which were supported by county and state educational funds was unconstitutional. The resulting State Supreme Court ruling brought to an end a century of Catholic control over public education in Ferdinand.

Complete separation was impossible however. The Catholic Church owned all the buildings and Catholic nuns were the most qualified teachers available. Indeed, since school facilities and a teaching staff had always been provided by the Catholic Church, the Public School Board had never built schools nor had they ever recruited a non-religious teaching staff.

Ferdinand in the late 1940's was almost 100 percent Catholic and public support for a program of leasing facilities and hiring sisters to teach in the public schools was easily gained. The leasing arrangement was clearly a financial and educational necessity for the Public School Board. The School Board could simply not afford to build a public school plant nor could they find personnel as well qualified as the Catholic nuns.

The Arrangement

The South East Dubois School Corporation operates classes in St. Ferdinand's School, St. Anthony's Elementary School, Birdseye's Elementary and High School, and Forest Park High School.

Thirty-two of the forty-two elementary classes operate in facilities leased by the Corporation in St. Ferdinand's and St. Anthony's Schools. The rent is $555 per room per year amounting to a total of $17,600 annually. The lease includes all permanent equipment such as dishes, chairs, and tables. The Corporation provides consumable supplies and new equipment. The lease is for school hours only. The Corporation pays matrons to clear the classrooms and the parishes provided the utilities. Approximately 1260 youngsters attended elementary grades, 960 of whom are in leased classrooms.

Forest Park High School formerly St. Ferdinand High School, was built by the Parish in 1952. The high school was sold to the Corporation in 1968 for $450,000 on a $36,000 a year lease to purchase agreement.

The breakdown of the Corporation teaching staff by religion vs. lay is contained in Table 1.

Table 1

Composition of Teaching Staff

	Elementary	High School	Total
Religion	32	8	40
Non-Religious	10	27	37
	42	35	77

More than half the teachers, 40 out of 77, are religious, paid by the town and certified by the state.

The only facilities owned by the Corporation are located in the town of Birdseye. Birdseye is about seven miles from Ferdinand and has a population of about 800. Most of the people in the town are not Catholic. The small high school/elementary school is scheduled to be closed in Birdseye in June of 1971 and the students will be absorbed in facilities leased by the Corporation in Ferdinand.

On February 19, 1971 a large group of citizens filed suit against the South East Dubois School Corporation in an effort to prevent the closing of the Birdseye facility. A detailed description is contained in a press article in Appendix 1. The major argument is that various aspects of the several leasing arrangements between the Corporation and the Catholic parishes are illegal. The significance of the suit is not in its particulars of even on its eventual outcome. The key point is that after years of intricate leasing arrangement, the legaility of such programs will be tested in the courts.

Ancilliary Programs

Release Time

A small release time program runs very smoothly, offering no difficulties to public school scheduling. The Catholic parishes provide release time education to children in the seventh and eighth grades for one-half hour per week. High school students are involved in religious education during non-school hours, as are younger children being prepared for Catholic sacraments.

Analysis

In discussing the present leasing arrangements, the Superintendent of school Corporation offered two major observations.

First, he points out that the leased facility arrangement saves the school Corporation three or four times what it costs them. The Catholic facilities, while not ultra modern, are clearly adequate and today's cost of school construction would make building facilities of equal size prohibitively expensive. The funds are better spent on equipment, supplies and curriculum materials, according to the superintendent.

The second observation made by the Superintendent is that Catholic officials offer no interference whatever. The operation of the schools is completely under the control of the Corporation and the pastors as well as the Catholic diocesan officials maintain a clear and strong hands-off policy. Catholic officials are helpful and responsive to questions of building repair and maintenance, but they clearly understand their role as being that of landlord and maintenance man, not educational consultants. The experience of the 1940's with the PAOU has left Catholic and civic officials sensitive to the question of Catholic involvement in the public schools and this sensitivity has lead to a carefully maintained separation. For example, all religious symbols are removed from the leased classrooms.

Similarly, the sisters who teach in the public schools, although allowed to wear religious habits, assidously maintain their role as Corporation employees. The Superintendent indicated that he had never experienced difficulties with the nuns teaching in the public schools.

Conclusions and Predictions

The various leasing arrangements in the South East Dubois School Corporation are effective and mutually beneficial. The mechanics of the programs are well worked out and run smoothly. Although a suit has been filed challanging the leases, they operate with the overwhelming support of the people in the Corporation. The suit appears to involve some religious anamosity.

The Corporation receives significant financial assistance from the leasing program. South East Dubois is a poor rural community and the prospect of building facilities comparable in size to the Catholic facilities with public funds is out of the question.

The Catholics likewise find the leasing programs economically advantageous. The leased facilities have long since been paid for by revenue from rent, and the rent probably helps to support the parishes. The religious orders whose nuns teaching in the public schools certainly find the standard public school salaries earned by their sisters helpful.

The extent and effectiveness of the leasing programs are clearly attributable to the nature and the history of the community. Ferdinand is a Catholic town with a history of intimate educational cooperation between civic and church officials. The elimination of church involvement in the running of the public schools left the school Corporation in need of both facilities and faculty. The Catholic parishes had both and a leasing agreement was a natural and necessary out growth of the previous relationship.

The leasing agreements are both economically and educationally a sound policy for the Corporation.

The suit filed in Birdseye is significant and perhaps indicative of the distant future. The activity in Birdseye, predominately a Protestant community, suggest that a major factor contributing to the effectiveness of the program is the Catholic character of the Ferdinand community. Despite the legal activity in Birdseye, the leased facilities and leased services programs will certainly continue for a long time to come. Neither party could afford to drop out of the arrangement and amicable cooperation will continue as long as the Catholic character of the community is maintained.

Appendix I

"Birdseye Group File Suit Agains Southeast School"

(CS:17):11

Birdseye Group Files Suit

A group of Birdseye citizens have filed suit in the Dubois County Circuit Court on Friday, Feb. 19, against the Southeast Dubois County School Corporation, to prevent the board from continuing with their present plans to close Birdseye High School.

The suit charges that the school corporation board proposes to close the only non-parochial high school within the corporation and the only school buildings owned by the corporation and is undertaking to lease classroom facilities from the Catholic Diocese of Evansville, formerly used for parochial schools and religious instruction purposes, which have been absorbed into the public school system as to teachers, instruction and education, except that the facilities will be perpetually owned by a religious institution except a former parochial high school in Ferdinand now under long range lease-rental purchase at $36,000 per year, for a total purchase price of $450,000, which they charge is not a legal and binding lease under any existing school contract laws and is invalid. They propose that the court should cancel the contract and rescind it.

The suit further states that the school board is preposing to purchase land in Ferdinand to meet state requirements for the expansion of the "former Catholic high school" there and the land so acquired can never be utilized for educational purposes because of the location and terrain and the proposed expansion of this high school, because they will be "upon facilities [illegible] owned by the Catholic church and even if acquired by the defendant will be adjacent to two different Catholic religious institutions."

In another section of the suit, it says that the board is proposing to close existing grade schools at Schnellville and high school and middle grades at Birdseye, "being the only two schools which are owned but outright by the defendant and are further proposing to construct a new middle school located east of the intersection of Highways 64 and 162 for grades 5 through 8 from Jackson and Jefferson Townships only and which will accommodate a maximum of 400 students with Ferdinand students all remaining in the former parochial school in Ferdinand now under lease at $36,000 per year."

The suit proposed that the middle school site should be used, and is best suited for the most feasible and economic erection of a new grade and high school educational plant for the entire school corporation. It further proposes that "the site is more economical to purchase and ideal terrain for school and educational purposes, and contains an existing 8" water main and will afford the Southeast Dubois School Corporation a site to maintain a high school educational system free and clear of religious influence and not adjacent to religious institutions as is the case now of all proposed schools either existing or proposed to be built by the Southeast Dubois School Corporation".

In another section of the suit, it says that the board is presently advertising and preparing to take bids upon school bus routes that will implement and carry into force this parochial indoctrinated long range educational plan and that by reason thereof the plantiffs are in need of an immediate injunction prohibiting the use of church classrooms and closing of the present outstading public school facilities as it will be impossible to negotiate and change bus routes without almost double transportation expense.

In summation of the suit, it says that "Wherefore, Plaintiffs pray that the lease purchase contract for the former Ferdinand Catholic School be cancelled and rescinded and that the Defendant be restrained and enjoined from changing the existing school facilities and classroom arrangements indicated after hearing and trial and that the Defendant be perpetually restrained and enjoined from leasing on a year-to-year basis parochial facilities and be required to erect and construct a new centrally located one through twelve grade educational plant at the new proposed site east of the intersection of Highways 164 and that plaintiffs for and on behalf of themselves and all others aggrieved recover $2,000 for their expense and attorney fees here involved and for all other relief just and proper in the premises."

The suit, filed by their attorney Fremont O. Pickett, was signed by the following citizens: Noel Andry, Clyde Andry, Leafa Andry, Arvel Andry, Virginia Andry, Patsy L. Andry, Harold R. Andry, Lugene Andry, Forrest Abell, Stanley R. Atkins, Russel Abell, Ray Atkins, Charlene Atkins, Anna R. Austin, Cecil R. Allen, Guy Austin, Eileen Atkins, Donald

Against Southeast School

Buford, Jerry R. Borden, Harold W. Bolden, Vera Bebee, Fred Basham, Lloyd Bolden, Ronnie L. Chumbley, Virginia Clark, Gary Cunningham, Arthur Clark, Luther Craig, Edward Dillard, Victor F. Goldman, Janice Goldman, Robert Jenkins, Carolyn Jenkins, Carl Lanman, William Leonard, Robert Marshall, Hubert Morgan, Lulabelle Morgan, O. J. Miller, Charles L. Morgan, Herbert McKinney, Carl E. Neukam, Helen K. Neukam, A. J. Persohn, Charles Ridenour, Charles Roll, Frances L. Roll, Laura A. Reckelhoff, Leon Sanders, Eddie Stroud, Edwin Sickbert, Glenda Wilkes, Robert L. Wilkes, Wendell Wright, Ethel Wright, Elsie L. Wright, Lloyd A. Wright.

* * *

In February 1970, the Southeast Dubois County School Corporation Board received a facility survey of this corporation from the office of the State Superintendent of Public Instruction, Division of Schoolhouse Planning, with various recommendations: Option I--Establish a junior-senior high school grades 7-12, at Ferdinand by enlarging the present Ferdinand High School to accommodate approximately 800 students. This option would require the purchase of additional acreage at the present site. Construct a new elementary school, grades K-6, in the St. Anthony-Schnellville, Birdseye area to house approximately 300 pupils. This school would accommodate elementary pupils now attending the Birdseye and the Schnellville schools and relieve overcrowded classrooms at the St. Anthony school. Continue elementary schools, grades K-6, at St. Anthony and Ferdinand.

Option II--Establish one high school, grades 9-12, at Ferdinand. The present Ferdinand High School should accommodate the students in grades 9-12 from Birdseye without expansion of this facility. The final size of school would be approximately 500. Build a new school in the north part of the school corporation to accommodate approximately 360 pupils in grades K-8. This school should house grades K-5 from Schnellville and Birdseye and relieve overcrowded classrooms at St. Anthony. A middle school should be established in this facility to accommodate pupils in grades 6-8 from Schnellville, Birdseye, St. Anthony. Grades K-5 would be retained at St. Anthony. The elementary school, grades K-8, would be retained at Ferdinand as presently organized.

Option III--Establish one high school, grades 9-12, at Ferdinand. The present Ferdinand High School should accommodate the students in grades 9-12 from Birdseye without the expansion of this facility. The final size of this school would be approximately 500 students. Build a middle school in the north part of the school corporation to house grades 6-8 from the entire corporation. Remodel and refurbish the 1955 portion of the present Birdseye school to accommodate grades K-5 from the Schnellville and Birdseye schools. Any expansion of this building would require the procurement of additional acreage and the cost of remodeling and refurbishing should be carefully weighed against future life of this facility.

In this same report, reporting on the condition of existing facilities, the State Board recommended that the Schnellville elementary school and the Birdseye elementary and high school are inadequate. In reference to the Schnellville school, the report reecommended that it should be abandoned as soon as possible. In reference to the Birdseye school it stated that the site and buildings at Birdseye are totally inadequate and plans for a more suitable school operation should be developed as soon as possible.

The report outlined the capital outlay potential of the corporation, listing \$2,341,980 as total debt allowed. \$536,250 were already obligated, leaving a balance of \$1,805,730 remaining which the board can indebt the corporation according to law. This figure was based on the assessed valuation of \$10,073,388.

Present school tax rate is \$4.02 for all tax units in this corporation.

The Southeast School Corporation has decided to hire an Educational Consultant, Dr. Richard W. Morrison of Muncie, Indiana. He arrived here on Sept. [illegible] and, together with the school board, toured all the school buildings in the corporation. He then conducted a study of the school corporation. After an extensive study of the corporation, it's facilities, etc., he made his recommendations to the board and after discussion, his plan was adopted by the board. It is this plan which the lawsuit is seeking to erase.

CASE STUDY EIGHTEEN

Leased Facilities and Leased Services
Shared Facilities and Services

Jasper, Indiana

Dubois County

Jasper School Corporation

Overview

The Jasper School Corporation in Dubois County operates an extensive program of leased facilities and leased services with the Catholic parishes in the area.

The Jasper School Coporation includes the towns of Jasper, Ireland, and Boontownship. Jasper is 15 miles north of Ferdinand and has a population ~~of~~ approximately 9,000 people. Eighty to 85% of the population is Catholic. Ireland, with a population of less than 4,000, is about 40% Catholic, and Boontownship, population 1,200, is 80% Lutheran.

Background

The religious - civic-educational history of Jasper is a carbon copy of history of Ferdinand (CS:17) and will not be repeated in detail. Jasper was settled in 1839 by the same Father Kundak who settled Ferdinand. The Jasper Public Schools were church owned and controlled until 1946.

St. Joseph's School in Jasper was a target case for the PAOU, and gained national prominance because of the law suit in which it was featured. PAOU won the case and St. Joseph's

School became the Tenth Street School, all religious insignia were removed from the buildings and Catholic religious instruction was dropped from the public School Curriculum.

The elimination of Catholic Church involvement in the operation of public schooling left the Jasper School Corporation in need of both facilities and faculty. The Catholic parishes had both, and extensive leasing arrangements were worked out. A description of these programs appears in Figure 1.

The Arrangement

The Jasper elementary schools enroll 1,874 youngsters. Five hundred and sixteen study in classrooms owned by the Corporation, 1,358 in facilities leased from the Catholic parishes. Forty-four of the 61 elementary classrooms are leased. Twenty-one of the eighty-five elementary school teachers are Catholic nuns.

The Lease

The rental fee for the Tenth Street School is $5,700 a year and will go up to $7,000 a year for 1971-1972. The lease is made on a year to year basis and specifies that the parish pay for maintenance, repair, and electricity. The Corporation pays for water and gas. The lease stipulates that the building is public school property from 8:30 a.m. until 4:00 p.m. During the school hours the building is under the complete and exclusive control of the Jasper School Corporation.

Figure 1

Jasper School Corporation - Elementary School

Leasing of Services and Facilities

Town	Population	Schools	Grades	Ownership	Enrollment	No.of Rooms	Staff	Religious Staff
Jasper	9,000	5th St. School	1-8	Public	327	10	13	0
		10th St. School	1-8	Leased from Catholics	1,097	34	48	14
Ireland	Under 7,000	Ireland Jr. High	7-8	Public	131	4	9	1
		Ireland North Side	1-6	Leased from Catholics	261	10	12	6
Boontownship	1,200	Boontownship	1-6	Public	58	3	3	0
					1,874	61	85	21

Ancilliary Programs

Moral Education

A moral education program is run by the praishes in the schools from 8:15 until 9:00. Since the public school day begins at 8:30, some portions of this period is technically release time. The classes are taught by lay catholics, nuns and priests. Sectarian Catholic doctrine is not taught; the course involves "moral education." Because of limited time available and because sectarian teaching is not allowed, Catholic officials feel that the program is inneffective for their purposes.

Shared Facilities and Services

The public school Corporation shares its facilities and services with Precious Blood and Holy Family parochial schools. A public school nurse and physical education teacher makes periodic visits to these schools and the schools use the gym in the Tenth Street School. Unlike a leasing arrangement, no rental fee is paid for the use of these services and facilities. The Corporation operates this sharing program out of good will and friendship.

Analysis

The only criticism of the various leasing arrangements comes from a small group of parents in Boontownship. The public school in Boontownship operates three rooms, grades 1-6, and enrolls 158 youngsters. The school is scheduled to be closed in June of 1971 and the predominately Lutheran population of Boontownship is reticent about sending their children to schools in which Catholic nuns teach. No legal action has been filed by the citizens and the school will probably be closed as scheduled.

Public and private cooperation in the leasing programs are outstanding. Both the public school Corporation and the Catholic parishes have a vested interest in seeing the program continue hence they see to it that it runs smoothly.

Conclusions and Predictions

The leased facilities and leased services programs in the Jasper school Corporation are successful and for two reasons will continue. First neither the Corporation nor the parishes could afford to drop the program and second, the political-religious climate of the community remains favorable for the continuation of the program.

More than two-thirds of the elementary school classrooms are leased from Catholic parishes. The Corporation simply could not finance a facility large enough to accomodate this many children. On the other side, the Catholics receive the rental fee plus the employment of twenty-one nuns. The number of sisters employed is decreasing and will continue to do so, not by design of the Corporation, but because the number of nuns is declining.

The support and interest of the school Corporation is evidenced by the shared facilities and shared services program they operate. The Catholics own school facilities far in excess of what they can staff, maintain and operate. The leasing arrangements are the only way they could possibly maintain their facilities. Despite some disgrunted parents in Boontownship, the predominately Catholic population has a religious and financial interest in seeing their schools maintained and strongly support the leasing programs.

The leasing programs run smoothly, and will most likely continue because the public school Corporation and the Catholic parishes need them and because the population served by the programs is predominately Catholic and strongly supports the present arrangement.

CASE STUDY NINETEEN

Leased Facilities in
Two Illinois Towns*

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*At the request of school officials, one town is not specifically identified. Both there interviews we conducted by phone.

Leased Facilities in Illinois

A Description of Two Programs

In a small town in southern Illinois, the public school board leases a 16 classroom school from the Catholic parish. The facility is used as a public school. There are 1630 students in the District, the town's population of 3200 people is about 45% Catholic. In the rural area 30% of the population is Catholic.

The facilities which includes a gymnasium, are considered by the school superintendent to be excellent. The amount paid for the use of the building barely covers maintenance costs. About 250 Catholic students attend public school classes in the leased facility. There are many more Catholic students in the district but the others have either never attended the Catholic school or had transferred to public school before the leasing program was established.

About 99% of the people in the parish favor the leasing arrangement. The program has run smoothly, the superintendent feels, because so many Catholics had had experience with the public schools and were satisfied with the public system.

The local Catholic priest was particularly cooperative in making sure that the closing of the Catholic school did not come as a surprise to public school officials. Public and Catholic school people planned for months to make the transition as smooth as possible.

In general, the leasing arrangement is working well. The superintendent believes that this is mainly due to unique local circumstance characterized by the outstanding cooperation he has received.

Support of the program has not been unanimous, however. The Americans United for Separation of Church and State have accused the school board of running a Catholic school within the public school system. The school board denies the accusation pointing out among other things that all the textbooks have been changed in the school, and that the school is run exactly like any other public school. Furthermore a plan which would mix the former Catholic school students with other students in the district has been devised. This would be accomplished by using the Catholic school building for certain grades only. The plan has not been put into effect, just yet, because of complications in bussing and several other administrations details. The superintendent insist that the program would stand up to legal inspection at anytime.

Unit District Member 272, Amboy, Illinois

Unit District 272 includes the towns of Amboy and Sublette. They are in the Catholic Diocese of Rockford in northern Illinois, approximately half-way between Molene and Rockford. The population of Amboy is 2,067; there are 306 people living in Sublette. Both communities are approximately 50% Catholic.

The public school board leases two Catholic elementary school buildings, one in Amboy and one in Sublette. The rental fee is less than the interest rate that would be charged on the loan needed to replace the facility. About two hundred Catholic students were involved in the phase out of the two small parochial schools. The students were immediately assimulated into the public system by using the Catholic buildings for grades 1 and 2 only and by bringing in public school first and second graders.

The phase out caused no problems at all from the public school standpoint, although some Catholics were upset. The whole operation went very smoothly. Catholic leaders informed public school officials a year in advance of the parochial school closings. The superintendent put an advance announcement in the paper recording the intentions of the school board of leasing the two Catholic elementary school buildings. No complaints were received by the school board.

The relationship between public school officials and Catholic offices in the area are good. Prior to the leasing program, the two school boards cooperated in a dual enrollment program and a sharing of school facilities. All the Catholic schools in the area are now closed. The public school superintendent feels that Catholic support is responsible for the recent passage of a school referendum for financing a new public high school building.

Conclusion

The two leasing programs in Illinois have a critical common element: there effectiveness is directly related to the spirit of cooperation that exists between public and parochial school officials. They have worked well in these two communities. They have blunted the shock of the Catholic school phase outs.

The general applicability of this model, however, is limited by the extent to which they are a function of the local chemistry. For this reason, caution should be taken in advocating the general use of such programs.

CASE STUDY TWENTY

Release Time Religious Education
in Brooklyn, New York

RELEASE TIME RELIGIOUS EDUCATION

Brooklyn, New York

Overview

The Release Time program in Brooklyn, New York, is not running very smoothly. The program has a long history which includes a blessing from the U. S. Supreme Court and could serve as a paradigm of legal precision. The rigorous manner in which the program was developed and is operating today is oddly enough its greatest weakness. As carefully as the program was organized it cannot compensate for the absolutely essential element of human cooperation. This element is missing and the program is seriously hampered as a consequence.

Particulars of this case study are taken from examples of three schools in Brooklyn. The importance of the case rests in observing a carefully planned program flounder as a result of the loss of cooperation on the local level.

Background

Brooklyn includes the boroughs of Kings and Queens in New York City. The population is about 1.7 million people. One Catholic school official referred to Brooklyn as an "immigrant diocese". It is home for more than 600,000 Puerto Rican, 60,000 Hatians, and 30,000 Croatians.

History of Release Time

Rev. Robert S. Baker, Executive Secretary of the Greater New York Coordinating Committee on Release Time, recounts the history of release time in New York. There had been scattered use of the program since Colonial days but the first formal step came in 1923. In that year an interfaith group of laymen and clergy met in the Rectory of St. Patrick's Church to discuss questions of religious education. The group elected as Chairman a young lawyer, Charles H. Tuttle. Tuttle went on to eventually become U. S. Attorney under Coolidge and the precision and the legalistic nature of the release time program in New York is clearly a reflection of Tuttle's legal brilliance. In the late 1930's Joseph P. Grace brought the idea of release time before the New York legislature. On April 9, 1940, the State passed the briefest released time statute in the country. It reads simply, "absence for religious observances and education shall be permitted under rules that the Commissioner shall establish." Commissioner Cole established the following regulations on July 4, 1940:

1. Absence of a pupil from school during school hours for religious observance and education to be had outside the school building and grounds will be excused upon the request in writing signed by the parent or guardian of the pupil,

2. The course in religious observation and education must be maintained and operated by or under the control of a duly constituted religious body or of duly constituted religious bodies.

3. Pupils must be registered for the courses and a copy of the registration filed with the local public school authorities.
4. Reports of attendance of pupils upon such courses shall be filed with the principal or teacher at the end of each week.
5. Such absence of pupils shall be for not more than one hour each week at the close of a session at a time to be fixed by the local school authorities.
6. In the event that more than one school for religious observance and education is maintained in any district, the hour for absence for each particular public school in such district shall be the same for all such religious schools.

A more recent promulgation of the State regulations concerning release time was issued by the Superintendent of Schools on September 13, 1965. This circular is reproduced here in its entirety because it offers a detailed description of how the program is officially organized.

BOARD OF EDUCATION OF THE CITY OF NEW YORK
OFFICE OF THE SUPERINTENDENT OF SCHOOLS

September 13, 1965

Special Circular No. 1, 1965-1966

TO ALL SUPERINTENDENTS AND PRINCIPALS
OF ALL DAY SCHOOLS

Ladies and Gentlemen:

Released Time for Religious Instruction

This circular supersedes General Circular No. 45, 1957-1958, dated June 23, 1958, relating to the same topic, and indicates current regulations of the Superintendent of Schools which implement the law passed by the Legislature of the State of New York in 1940 providing for the absence of pupils for religious education (Released Time) under rules promulgated by the State Commissioner of Education. Heads of Schools are asked to administer the released time program for religious education in their individual schools in strict accordance with the following directions.

The intent of these regulations is to continue the practices which have worked well in the past. The Greater New York Coordinating Committee on Released Time has been informed of these regulations. Principals are requested to cooperate with the directors of classes for released time within the framework proposed in this circular.

GUIDELINES

1. A program for religious instruction may be initiated by any religious organization in cooperation with the parents concerned. There will be no announcement of any kind in the public schools relative to the program.
2. When a religious organization is prepared to initiate a program for religious instruction, the said organization will notify parents to enroll their children with the religious organization; and will issue to each enrolled pupil a card to be countersigned by the parent and addressed to the principal of the public school, requesting the release of the pupil from school for the purpose of religious instruction at a specific location. The said cards will be filed in the office of the public school as a record of pupils entitled to be excused, and will not be available or used for any other purpose whatsoever.
3. Religious organizations, in cooperation with parents, will assume responsibility for attendance at the religious centers. Public school personnel may not institute inquiries of pupils to determine the causes of absence from released time centers, or make comments thereon.

REGULATIONS

1. Upon presentation of a written request by a parent, which also bears the approval of a representative of the religious organization, a pupil is to be released for the last hour of the instructional day each week to receive religious instruction on the day indicated for that borough. Such hour is usually at 2:00 p.m. for schools on regular time schedules.
2. Since the State regulation provides that absence for religious instruction shall be "for..... one hour each week at the close of a session", schools on short time and special schedules will not necessarily dismiss their children at 2:00 p.m. Thus if the school day ends at 4:00 p.m. the hour for release is 3:00 p.m. No other dismissal time than one hour before the end of the school session is permissible. Children of all faiths are to be dismissed at the same time in each of the schools.
3. The day upon which released time is permitted for all boroughs is Wednesday. This is a change from previous years.
4. It is strongly suggested that a bell or gong signal be used to remind pupils and teachers that released time dismissals are at hand. Such dismissal shall be in the usual way of regular dismissals and the school authorities may not and should not assume any responsibility beyond that assumed in regular dismissals. Prompt dismissals are mandatory and no school or class activity should be permitted to interfere with such dismissals. (See "School Activities During Released Time", below.)
5. When children dismissed for religious education participate in After School Centers (remedial reading, remedial arithmetic, etc.) they may not be required to appear at the public school centers promptly at 3:00 p.m., but shall be given adequate time to return from the released time center to the public school. No child may be excluded from the After School Center by reason of such late entrance from released time centers.
6. When school sessions are abbreviated (afternoon closing of school on Parent-Teacher Conference days, et al.) resulting in the dismissal of children before the usual time, parents should be notified well in advance of such occurrences so that those ordinarily attending released time centers may inform the religious leaders of the change of time in school session. It is the responsibility of such pupils and parents to attend the released time centers by going directly from home rather than from school as it is usually done.

School Activities During Released Time Hour

Principals will need to plan carefully for those pupils who do not participate in the released time program. It is important that provision be made for educationally significant activities for this group. Activities such as the following seem desirable: individual instruction for pupils needing special help in the skills; group activities for those needing additional instruction; exercises designed to develop the art of study and the ability to use reference materials; opportunities for pupils to do creative work.

Heads of schools on all levels are informed that no plans or programs are to be adopted which might handicap the classwork of those pupils attending released time instruction. Class excursions or trips should be avoided on the day of released time if such trips or excursions can as readily be scheduled on other days of the week. Tests -- schoolwide, grade, subject or class - should not be scheduled. Children who are given dental or hospital appointments on released time days should be rescheduled if it is at all feasible.

Very truly yours,

BERNARD E. DONOVAN
Superintendent of Schools

These regulations were amended in October 1970 to allow greater flexibility of scheduling by approving the use of staggered release time. The amendment reads:

> Such absence shall be for not more than one hour each week at the close of either the morning or afternoon session or both at a time to be fixed by the local school authorities, provided that the time designated for each separate unit, the primary grades (K-3), intermediate grades (4-6), junior high school grades (7-9) and senior high school grades (10-12) shall be the same for all pupils in that unit in each separate school. Notwithstanding the foregoing, a board of education, in its discretion, may permit pupils in the various units which are departmentalized to be released for not more than one hour a week in groups that may include less than whole units at such times and upon such conditions as such board of education may deem proper; in no event may any pupil be released for more than one hour a week."

The Program

Exact figures on the number of children in New York City's release time program are impossible to collect. Even within the Brooklyn area participation in release time is difficult to measure. Not only does public and nonpublic school data differ from each other, but there is little consistency in the figures offered even within the groups. For our purposes, the data in Table 1 are sufficiently accurate.

TABLE 1

Enrollment in Release Time Programs
Diocese of Brooklyn, New York

	1960-67	1969-70
Elementary	49,074	61,303
High School	12,596	10,897
Total	61,670	72,200

Suffice it to say that release time is a fairly large operation. These figures were collected by the Catholic School Office from the 76 parishes in Kings and Queens.

The typical release time program is theoretically outlined in the Superintendent's Circular spelling out the regulations governing such programs. The difference between theory and fact can be seen by comparing the program outlined by the Superintendent with the three programs briefly outlined here.

St. Ambrose

Two hundred and fifty students are registered for the release time program offered by St. Ambrose School in Bedford-Stuyvessant. About 150 to 175 youngsters in grades 1 through 8 attend every Wednesday afternoon from 2:00 p.m. until 3:00 p.m. Several public schools feed students into the program and the relationship between public and nonpublic school officials is generally good. Most of the public school principals seem quite willing to cooperate. A notable exception exists in one case where the distance between St. Ambrose and the public school requires busing the students. The disruption of class schedules caused by release time and complicated by bus problems has driven a wedge between public and parochial school officials.

Immaculate Heart

From the 3,500 families in Immaculate Heart parish only 300 youngsters enroll in the release time program. There is plenty of room available for more students but Catholic parents with children in the public schools do not seem interested in the program. The difficulty is that public school teachers often schedule critical classes during the scheduled release time. Although the Superintendent's regulations stipulate that 'no plans or programs are to be adopted which might handicap the classwork of children attending released time instruction' the teachers claim that they are almost forced into the situation. Released time students are a small minority of their classes and the New York schools are under constant criticism to improve the quality of instruction. It is difficult for a teacher in this situation to give up an entire class period for the sake of the handful of students on released time. Because of this, many teachers continue with their regular lesson plans. As a consequence it is difficult to enroll and keep students in the release time classes when parents know that their child might be missing class work.

St. Athenaesus

In 1955 St. Athenaesus became the first parish in the city to bus children to release time classes. Busses are required for children whose public school is more than four blocks away from the parochial school and busing has become a major problem for the program at St. Athenaesus. Since there are several public schools involved in the program the parish bus picks up students at different times beginning at 2:00 p.m. The route is short and the last pick-up is at 2:10 p.m. Several public school principals have complained loudly about the tardy (2:10) arrival of the bus. The regulations require that students be released at 2:00 p.m. and that is exactly what many principals do. The curate in charge of release time points out that some principals make the students wait outside for the bus. This complies with the letter of the law which calls for a 2:00 p.m. dismissal but in the dead of winter this does not encourage enrollment in release time nor does it make participating students overly enthusiastic about religious education.

In addition, many public school junior high teachers insist that they must teach regular class material during the period set up for release time. Although the program is fairly large, 1,500 students in grades 1 through 8, it involves several schools and no one public school class has more than five or six release time students. It is understandably difficult for a teacher to give up a class period when more than 80 or 90 percent of the class is present.

The Sponsoring Religious Agency

The nonpublic school group involved in release time is known as the Sponsoring Religious Agency (SRA). Although the SRA could represent any denomination the overwhelming majority are Roman Catholic parishes. Historically release time was a Protestant idea but priorities in several Councils of Churches have shifted away from this arrangement and Catholics have become preeminent in the operation of release time programs. The SRA operates the program at the parish level. It uses the parochial school facility and generally employs the staff of the Catholic school to teach the classes. Volunteer teachers and trained catechists are becoming more commonly involved in release time but despite this recent development one of the biggest problems in that few people are trained to teach religion. Many sisters have a speciality in a secular subject and frankly admit that they are not ready to teach religion. Lay volunteers are seldom any more capable than the sisters. This suggests that catechitical training centers would be a prerequisite to any serious extensive use of the release time model.

The SRA must pay the cost of operating the release time program.

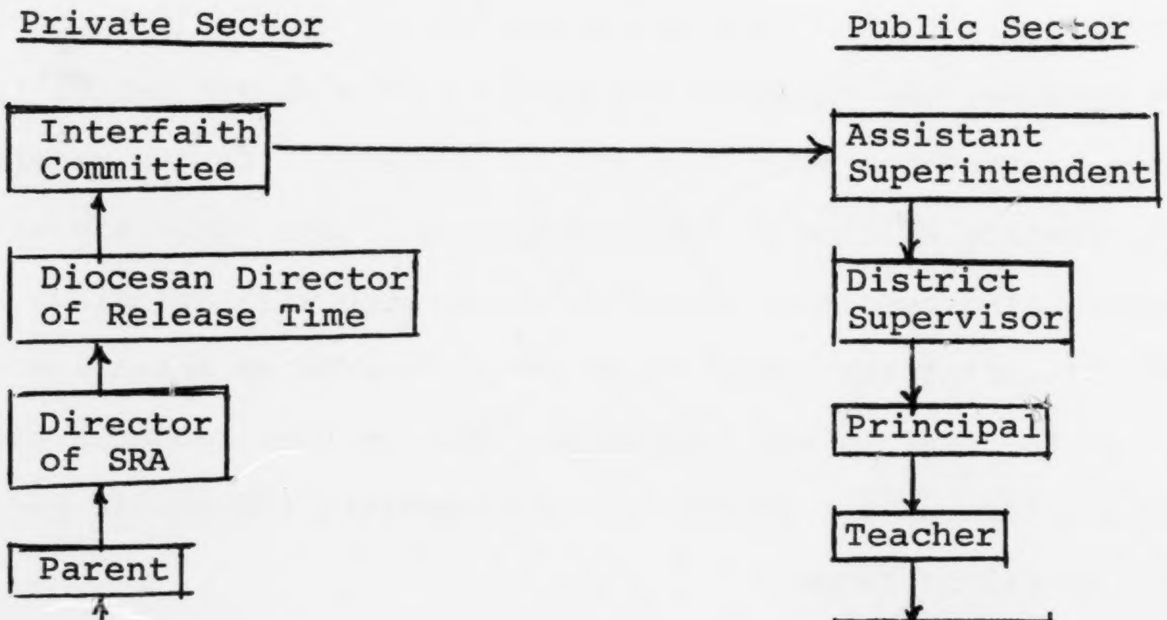
The Interfaith Committee

The efforts of the Sponsoring Religious Agencies are coordinated by the Greater New York Interfaith Coordinating Committee on Release Time. This Committee acts as the official spokesman for all religious groups in all matters dealing with release time. The committee works on behalf of the local SRA's in drawing up legislation, proposing changes in the Superintendent's policies, in legal action, and in handling complaints about public school teachers and principals.

The legalistic nature of the relationship between public and nonpublic school officials is vividly exemplified in the procedures established for handling complaints. For example, if Edie Mack misses her third grade arithmetic test because she was at a release time class, her mother would justifiably complain to the priest directing the parish program. This priest would phone Fr. John Curry, the Diocesan Director of Release Time who would in turn call Rev. Robert S. Baker, the Executive Secretary of the Interfaith Committee on Release Time. Father Baker would call the Assistant Superintendent responsible for release time, who in turn would call the district supervisor. The supervisor calls the principal and the principal might ask the teacher to stop giving tests during release time class. This route is shown in Figure 1.

Figure 1

Route Established for Handling
Release Time Complaints


Private Sector
Public Sector
Interfaith Committee
Diocesan Director of Release Time
Director of SRA
Parent
Classroom
Assistant Superintendent
District Supervisor
Principal
Teacher
Classroom

This procedure is rigorously adhered to in spite of the fact that Edie Mack might be in high school by the time the situation is corrected. The procedure does produce results but it must work slowly, through the proper channels.

Legality

The New York City release time program has the distinction of U.S. Supreme Court approval. The Greater New York Coordinating Committee on Release Time was the defendant in the landmark Zorach V. Clauson Case of 1952. This Interfaith Committee had filed an amicus brief in the 1948 McCollum v. Board of Education case in which the court ruled against the release time program in Champaign, Illinois, because the religious instruction was offered within the public school.

But six years later by a vote of 6 to 3, the court sustained the legality of the New York State pattern of release time because in this program, the children are excused from public school to take religious instruction away from school property. In the majority opinion, Justice William O. Douglas asserted that "When the state encourages religious instruction or cooperates with religious authorities by adjusting the schedule of public events to sectarian needs, it follows the best of our tradition. For it then respects the religious nature of our people and accommodates the public service to their spiritual needs."

Analysis

The New York release time program faces difficulties in three areas: (1) logistics, (2) curriculum and instruction, and (3) public/nonpublic cooperation. Each of these will be discussed in turn.

The major logistical problem is that of transportation. In the legalistic fashion typical to the program, transportation time is counted into the one hour period provided for religious instruction. A survey on release time done this past fall shows that elementary students spend almost one-quarter of their released time in transit while junior high school students spend almost one-fifth of their time riding or walking to religious instruction. This information is shown in Table 2.

TABLE 2

RELEASED TIME - NEW YORK STATE SURVEY
1970-71 - DIOCESE OF
BROOKLYN

County	Number Schools Reporting	Average Travel Time	Actual Instruction Time
Kings	41	Elem (1-6) 13 minutes	41 minutes
	24	Jr. Hi (7-9) 18 minutes	36 minutes
Queens	35	Elem (1-6) 14 minutes	43 minutes
		Jr. Hi (7-9, 19 minutes	42 minutes

The curriculum-instruction problems in release time centers around what should be taught in a release time class and what is the best way to teach it to today's youngsters. It is not the purpose of this paper to answer these questions but it is important to realize that they present a very serious problem, one to which the Church must give highest priority.

The Progress of release time programs in New York is most seriously impeded by the lack of cooperation between public and nonpublic school parties. Public school teachers continually plan important and interesting class sessions for the release time period. This penalizes the youngster who attends religious instruction and lessens the likelihood of his staying in the program. The procedure for rectifying this situation is perfectly clear, but somewhat lengthy. The established route for filing complaints is not a useful mechanism for correcting unworkable situations. But it is the established procedure and is carefully followed. For example, it would not matter if the pastor's brother was the public school principal, in practice the priest would not pick up the phone and call his brother. This would no doubt be quicker and more efficient, but it would be highly "out of order". The diagram in Figure 1 traces the route that must be followed.

Lists of problems and suggested improvements were collected in a 1969 survey of agencies sponsoring release time programs. These are listed here as a summary of the problems facing release time in New York.

PROBLEMS

(Taken fromNew York State Released Time Survey - 1969)

Public School Teachers' strike settlement changed RT Schedule.

Split sessions; distance.

RT slips are required for release weekly--when lost children are not released.

Released students don't always show up at religion class.

Releases are not punctual

Not all teachers cooperate.

Important subjects are being scheduled during RT.

Insufficient facilities in the Catholic schools.

Sisters attend college on Wednesday afternoons.

Fatigue at end of day.

Lack of cooperation from parents. Attitude that sees Confirmation as an end of religious education.

Lack of interest among junior high students.

Some teachers punish by not releasing students.

Disinterested and non-cooperation from public school officials and teachers.

SUGGESTIONS FOR IMPROVEMENTS

Better advertisement of program.

Stricter law enforcement.

Encouragement from public school officials; better scheduling of classes in public schools.

Efficient records (lists provided so teachers will not have to demand showing of RT card prior to each release).

Synchronizing times of release from the various public schools.

Travel time should be allotted.

Bussing should be provided.

8:00 a.m. classes or public school could close at 1 o'clock and students could report for religion classes at 2:00 (after an hour lunch period).

RT days could be scattered over two or three days each week.

More professional religious instruction.

Pooling of resources and forming of neighborhood centers instead of each parish struggling to take care of its own.

Religious and priests taking a deeper look at the need for this apoltolate.

Diocesan financial aid and assistance in obtaining texts and audio visuals.

Greater total parish involvement in the program.

Priests doing home visiting.

Parental interest.

Conclusion

The New York releastd time program was designed by the brilliant lawyer, Charles H. Tuttle to withstand the force and fury of legal assault. All the necessary policies and procedures were embodied in the program and it did indeed survive review by the U. S. Supreme Court.

But while the program was designed to be legal, it was not necessarily designed to be workable. Father Baker of the Interfaith Committee on Release Time recalls that in the 1940's and 50's the program had the support of the public school superintendents and functioned effectively. Absent the good will of people in the public school system, the program is becoming dysfunctional. Although Brooklyn reports increasing enrollment, Father Baker reports that city-wide the enrollment is declining. Father John Curry, Catholic Director of Release Time and CCD, feels that Catholic parishes will definitely continue a move towards late afternoon, evening and weekend religion classes.

The program is tried and true but without strong support and cooperation in the classroom and school district, it is doomed to failure. No plan, however brilliant, can succeed without local cooperation.

CASE STUDY TWENTY-ONE

Release Time Education

St. Joseph's Cathedral Elementary School

Sioux Falls, South Dakota

Release Time Education
Sioux Falls, South Dakota

Overview

Over 1500 public school students in Sioux Falls, South Dakota, are released from public school classes to take religious instruction once a week. The largest release time program is operated by Cathedral Elementary School which enrolls more than five hundred public school students in its release time religious classes.

Background

St. Joseph's Cathedral is located in a lower income section of Sioux Falls. For several years the parish operated a Confraternity of Christian Doctrine (CCD) program with little success. The CCD classes for grades 1-6 were conducted on Saturday morning and for grades 7 and 8, classes were held on Wednesday evening. Attendance was poor and the usefulness of the program was questioned even by the people responsible for it.

Widespread dissatisfaction with the CCD classes led to the serious discussion and eventual development of a release time program. The program began in September of 1970.

The Program

St. Joseph's Cathedral enrolls 575 public school students in its release time program. The students come from 11 public elementary schools and 4 public high schools. Classes are conducted on Wednesday morning from 8:00 a.m. until 9:00 a.m.

Students in grades 1-3 are enrolled in the classes but are technically not release time students because public school classes for these three grades do not begin until 9:30. All other public school classes begin at 8:15.

The children either provide their own transportation or arrive on buses supplied by St. Joseph's. Children in grades 4,5, and 6 are dismissed from their religious education class at 8:45 and are back in their regular classes by 9:00 a.m. Youngsters in grades 7 and 8 are dismissed by St. Joseph's at 9:00 a.m. and have to return to their respective public school no later than 9:15. The program enrolls almost all the Catholic students in the participating public schools.

Parents whose children enroll in release time classes are given a Parent Request form by the Director of the program. The parents sign the forms, return them to Cathedral, and they are sent to the principals of the respective schools. The parent form acts as a formal request from the parent to the public school principal. It is required by law. A duplicate copy is kept at Cathedral. A copy of this form is shown in Appendix 1.

During release time classes, the full time Cathedral school students attend an assembly session. This assembly is usually devoted to religious services. With the Catholic school youngsters occupied in an assembly, the facility can easily house the pupils released from the public school.

Classes are conducted by the regular teaching staff of St. Joseph's. The teachers much prefer this teaching arrangement over the usual CCD program in which they formerly taught.

The program is quite successful. Parents and public school officials strongly support it and student attendance has been very high. The various public schools have had no serious problems in scheduling the programs.

Legality

In 1927 South Dakota became the third state in the country to pass legislation supporting release time programs. The law has been revised several times and the present state statute reads as follows:

> RELEASED TIME FOR RELIGIOUS INSTRUCTION. A child may, on application of his parent or guardian, be excused from school for one hour per week for the purpose of taking and receiving religious instruction conducted by some church or association of churches or any Sunday school association incorporated under the laws of the state or any auxiliary thereof; said time, when pertaining to schools in open country, may be used cumulatively each separate month as local circumstances may require. The county superintendent of schools in common school districts and the school board in independent school districts shall decide at what hour pupils may be thus excused, and in no event shall such instruction be given in whole or in part at public expense.

Finances

As required by law, St. Joseph's pays the entire cost of the program. The two major expenses are books, amounting to about $500 a year, and buses, which involves approximately $1260 per year. The program provides buses which take students to and from the Cathedral school.

Students are charged a fee for participating in the program. The fee is five dollars a year if the child uses the bus service and three dollars a year if he does not.

The director of the program reports that the operation will probably break even this year.

Conclusion

The release time program at St. Joseph's is a qualified success. It is well organized and run, it receives strong support from parents, almost all of the Catholic students in the participating public schools are enrolled in the program, and the relationship with public school officials is quite friendly.

The only reason for a qualified endorsement is that the educational, social and religious effects on students are unknown. What do students learn in these release time classes? Are such classes in fact superior to CCD programs? Do students learn religious values or do they merely acquire knowledge about religion? How do these programs compare to full time parochial school education? These are questions facing all release programs, not merely the particular one at St. Joseph's. Such questions are pedagogic questions. Questions about which a great deal of basic research and careful evaluation is needed.

As far as public policy is concerned, released time programs do not foster educational pluralism. A one hour a week course in religion in no way provides parents with an alternative to public education. It does, however, provide parents with a viable option to the rather poorly regarded CCD programs.

Appendix 1

Parent Release Form

CATHEDRAL RELIGIOUS EDUCATION

Students in Public Schools
Grades One through Eight

I would like ______________________________________

a student at ______________________ School, Grade _____

to be released each Wednesday from 8:[illegible]0 a.m. to 9:15 a.m. to attend Cathedral Grade School for religious instruction.

Bus transportation from the Cathedral Grade School to the public school will be available. I do, I do not (circle one) want this bus service.

Signed ______________________________
Parent or Guardian

CASE STUDY TWENTY-TWO

Bennington Religious Education Foundation
and
Mount Anthony Union High School

Bennington, Vermont

Overview

For the past three years the Bennington Religious Education Foundation (BREF) has operated a release time program with Mount Anthony Union High School, Bennington, Vermont. BREF is an interdenomination foundation representing nine different churches in the community. Release time courses are offered in BREF's Ecumenical Center across the street from the public high school. The program at one time showed great promise as a model for part-time relegious instruction but for several reasons it has never lived up to its potential.

Background

Bennington is a town of about 13,000 people in the South eastern corner of Vermont. About 50 percent of the town is Catholic. In the rural areas beyond the town limits, the percentage of Catholics decreases sharply. There are two Catholic parishes in Bennington and one parochial elementary school.

The events that lead up to the establishment of BREF are carefully recalled by Rev. William Abernethy, former Minister of the Congregational Church in Bennington and one time director of BREF.

> The story began with the relatively sudden closing of Bennington Catholic High School in June of 1967. The new Mount Anthony Union High School (the public high school), due to open in

September of that same year, found itself overcrowded before it began. Mount Anthony had planned for an enrollment of about 850 students; suddenly it had to provide for 350 extra students. The Town of Bennington (population 13,000) had to face a sharp increase in taxes; at a cost of rougly $800 per student, the School District in Bennington was forced to increase its budget by $276,800.

The closing of the parochial high school threw the community of Bennington into a crisis. In the midst of the tension and confusion, the Roman Catholic leadership in the community called a meeting of the religious leaders of all faiths. Monsignor John A. Lynch, Superintendent of Schools for the Roman Catholic Diocese of Burlington, Vermont, and Monsignor Francis B. Flanagan, Pastor of St. Francis de Sales Roman Catholic Church in Bennington, served as conveners of this meeting. In view of the imminent closing of the Roman Catholic parochial school, they wanted to know if it might be possible for all faiths to work together to develop some kind of ecumenical substitute for the parochial school. The hope was to continue to offer courses in religious education to high school students during the "prime time" of the school day but to offer these courses now to students of all religious traditions. Was there not an opportunity hidden in the midst of the crisis?

An initial exploratory committee was formed immediately, which included Msgr. Flanagan, The Rev. Frederick B. Wolf, Rector of St. Peter's Episcopal Church in Bennington (since elected Bishop of the Episcopal Diocese of Maine), and the Rev. William B. Abernethy, Minister of the North Bennington Congregational Church, United Church of Christ. In initial contacts with the public high school board, the committee found that the climate was too charged and the time too short to expect immediate implementation of any new programs in cooperation with the public school. The committee decided for the time being to focus its efforts on crystallizing its ideas, program, and structure, allowing all concerned time to move beyond the intense pressures of the immediate crisis.

The first decision of the exploratory committee was to seek incorporation as a nonprofit organization under the laws of the State of Vermont. The Bennington Religious Education Foundation (BREF) was incorporated on the 15th of May, 1967.[1]

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[1] William Abernethy, "The Bennington Relegious Education Foundation: A contemporary Model of Quality Religious Education," Religious Education Vol. LXV No. 1 Jan-Feb, 1970 p. 36

The Program

BREF

The nature of BREF and its organizational structure is reflected in its Articles of Association and By-Laws. These are contained in full in Appendix 1. The Articles of Association and Article II of the By-Laws, the Principles of Association, provide a thumb nail sketch of what BREF was meant to be about.

> ARTICLES OF ASSOCIATION
>
> We, the undersigned, being all of lawful age, do hereby associate ourselves together for the purpose of forming a corporation under the laws of the State of Vermont and in accordance with the following Articles of Association:
>
> Article I. The name of the corporation shall be the Bennington Religious Education Foundation. Article II. The purpose of the Foundation shall be to provide religious education both on a denominational and ecumenical basis. Article III. Membership shall be open to any religious group, congregation or parish which accepts the principles of association as provided in the by-laws of the foundation. Article IV. The foundation is not organized for profit. Article V. The affairs of the foundation shall be managed by a Board of Trustees as determined by the membership. Article VI. The principal office of the foundation shall be in the Town of Bennington, Vermont.
>
> ARTICLE II. Principles of Association.
>
> Section 1. Religious education shall be provided by the foundation in accordance with the following principles of association. a. All religious groups are welcome. All teachers have full freedom to teach their particular beliefs and practices, provided the exercise of this freedom does not conflict with the principles of associaton. b. All are pledged to the common good of the students. All renounce personal attacks, vilification, ridicule, the attribution of bad motives or bad faith, and all polemics between denominational teachers or between them and the public school.

> c. No teacher may solicit the change of a student's religious affiliation. d. No coercion, other than the moral suasions inherent in religion itself, may be used by religious groups to induce attendance. The power of the public school may not be used. e. The foundation's purpose is to offer a religious curriculum and program of high educational quality on both a denominational and ecumenical basis. Membership in the foundation shall not be interpreted, however, to require or imply belief in or personal participation in any or every particular aspect of the foundation's curriculum and program....... Section 2. Any religious group which desires to become a member of the........foundation must first accept the principles of association, as set.....forth in Section 1 above, the acceptance thereof to be in such........form as the board of trustees may from time to time require.

Organization

Although the Principles of Association state that all religious groups may become involved in BREF, the impetus of the program and its operation has been exclusively Christian and predominantly Catholic. The following are member churchs for 1970-71.

The Church of God, Bennington
The First Methodist Church, Bennington
North Bennington Congregational Church, United Church of Christ
Sacred Heart Roman Catholic Church, Bennington
St. Francis de Sales Roman Catholic Church, Bennington
St. Peter's Episcopal Church, Bennington
St. John the Baptist Roman Catholic Church, North Bennington
Second Congregational Church, United Church of Christ, Bennington
The Holy Cross Novitiate

Each member Church appoints two representatives to the Board of Trustees. At least one of the representatives from each Church must be a layman. The Trustees are responsible for all aspects of BREF and elect a director from amoung their own number. The first director was Rev. Frederick B. Wolf, St. Peter's Episcopal

Church; the second Rev. William B. Abernethy, North Bennington Congregational Church; and the present director of BREF is Rev. Thomas Murphy, a Roman Catholic Priest.

Release Time

BREF was established to set up a release time program for students in the public high school, Mount Anthony Union High. A release time program was developed, and began operation in September 1968-69 in the BREF owned Ecumenical Center across from the public high school.

Enrollment in the program has disappointed many people. The first year thirty students enrolled; the second year 45 students took BREF courses; and this year, only 20 students are involved. Each year 80 to 90 percent of the students enrolled have been Catholic. This year, for example, 18 out of 20 students are Catholic. In 1968-69 and 1969-70, students were recruited for the program only through their churches. This year, the BREF staff was allowed to distribute flyers and actively seek students in the public school building.

Scheduling

Students are scheduled into BREF courses by the public school computer when their regular school schedule is arranged. However, public school pupils are released for relegious instruction only during free periods or study periods. Thus if a student has a scheduling conflict between a BREF course and a course in the public school the public school course receives priority. About fifty percent of the students who register for BREF courses never enroll in them because of scheduling conflicts.

Student enrollment versus registration for the last three years are shown in Table 1.

Table 1

Registration Vs. Enrollment

	Registered	Enrolled
1968-69	62	30
1969-70	94	45
1970-71	40	20
	196	95

The sharp decline in this present year's enrollment is attributed to the public school's returning to a traditional schedule. Prior to this, Mount Anthony operated on a modular schedule. This was extremely flexible and allowed students more free time then the traditional school day plan. To compensate for this next year students will sign up for BREF courses after school begins and their schedules are set.

The founders of BREF had not planned on public school courses preempting a pupils enrollment in release time classes. They had arranged a staggered release time schedule so that students would lose as little class time as possible, but the assumption had always been that BREF courses were to be on an equal basis with public school electives and perhaps even core courses. This has not been the case and the result has very seriously limited the effectiveness of the BREF program.

Curriculum

Two types of courses are offered at BREF: sectarian denominational instruction and ecumenical Christian education. Public school credit is not given for any of the courses but the Foundation does furnish transcripts of course work to colleges and universities for students who request them. It is not within the scope of this study to evaluate the courses at BREF but a description of the courses offered in 1969-70 is given in Appendix 2.

Staff

BREF hired a part-time Director of Studies beginning in the fall of 1968, who had considerable training in the field of religious education. Additional teachers have been found amoung trained laity and clergy in the Bennington area; these additional teachers are paid $200 for a full year course meeting for two fifty-minute periods each week. BREF pays for the ecumenical courses out of the foundation's budget, but each denomination is responsible for securing teachers for denominational courses given through the BREF program.

Finances

Revenue to support BREF comes from three sources: membership fees, dues, and outside foundations. Students are not charged tuition for release time courses.

A membership fee of $100 is charged to each church participating in the program. This figure was chosen as large enough to signify serious committment and yet small enough to be within the range of the smallest church. In addition, each church is charged membership dues in proportion to the number of active members in that congregation. Since each denomination defines active members somewhat differently, BREF came up with its own definition to provide a uniform standard: An "active member" is anyone age twelve or over who is a communicant, and/or one who supports his church financially and/or one who attends worship at least three times a year. The churches are assessed $1 per year, per active member. In order to assist the smaller churches, BREF allows a 50 member deduction.

BREF also receives support from sources outside Bennington. A grant of $7,500 from the Episcopal Church United Thank's Offering was of considerable help in meeting initial expenses. A grant from the Raskob Foundation enabled BREF to purchase a small house across the street from the public school. This building was first rented in September, 1967, and has become the "Ecumenical Center."

The annual operating budget since 1969 has been $5,875 and this is balanced by the membership fees and dues.

Ancilliary Programs

In addition to the program with Mount Anthony Union High School, BREF is also providing release time classes on the elementary school level. One hundred sixth grade students from elementary schools in Bennington are released at noon on Wednesday for one hour of Religious instruction. The instruction is given in church owned facilities and is coordinated by BREF. This program differs from the high school arrangement in that all the sixth grade students are released at the same time. This is called simultaneous release time scheduling. The high school students take BREF courses at different times during the school day depending on their public school schedule. This is called periodic or staggered release time scheduling.

Legality

The U.S. Supreme Court sanctioned release time programs in the Zorach v. Clauson Case of 1952. The BREF program was structured to fit within the constitutional guidelines set down in this case. Religious instruction is given away from the public school facility and the parents sign a request form submitted to the principal and filed in the public school.

In addition, the program clearly complies with state regulations on periodic release time passed since BREF began Operation. (cf.Appendix 3).

Conclusions

More than thirteen hundred students attend Mount Anthony High School; only twenty students attend release time classes across the street at BREF. The program is clearly not working. The Bennington Religious Education Foundation operates a well planned and adequately financed release time program. Ostensibly BREF should be doing well, but its progress is retarded by two subtle but not insignificant problems.

In the first place, the program is interdenominational in name only. It was initiated by Catholic school officials who had just closed their high school and is strongly Catholic in character. Although several non-Catholic clergymen have been instrumentally involved in BREF, it has never had broad support amoung non-Catholics. Non-Catholic parents are not accustomed to school related religious education and the rank-and-file members of the several congregations have never put their full force behind the program.

Catholic parents supported the program initially. The vast majority of the 62 registrants in 1968 and the 94 registrants in 1969 were Catholics. However, only half this number enrolled in the program because of the very serious problems in scheduling. These scheduling difficulties are detailed earlier but the critical dynamic seems to be a certain lack of cooperation amoung public school officials. School officials are by no means hostile, they are just not terribly interested in the program. BREF courses are scheduled on the public school computer and students are released but these practices are only allowed at the convience of the public school schedule. If BREF is to succeed, the program needs one or two well placed school officials to take hold of it and expidite the program in the public school sector. If the release time program was fully accepted and actively supported by public schoolmen, scheduling difficulties could probably be resolved in a manner less crippling to the BREF program. With well placed support, it might even be possible for certain BREF courses to receive public school credit. Convenient scheduling and some sort of credit would almost certainly insure success.

The BREF program is not significant because it is successful, but because of the reason why it has never achieved success. The program is well planned and organized, but the community simply does not possess the political and religious tradition necessary to its proper operation.

APPENDIX 1

Articles of Association and By-Laws for the Bennington Religious Education Foundation.

BENNINGTON RELIGIOUS EDUCATION FOUNDATION
507 COUNTY STREET
BENNINGTON, VERMONT
05201
TELEPHONE
802 442-3531

ARTICLES OF ASSOCIATION.

We, the undersigned, being all of lawful age, do hereby associate ourselves together for the purpose of forming a corporation under the laws of the State of Vermont and in accordance with the following Articles of Association:

Article I. The name of the corporation shall be the Bennington Religious Education Foundation. Article II. The purpose of the Foundation shall be to provide religious education both on a denominational and ecumenical basis. Article III. Membership shall be open to any religious group, congregation or parish which accepts the principles of association as provided in the by-laws of the foundation. Article IV. The foundation is not organized for profit. Article V. The affairs of the foundation shall be managed by a Board of Trustees as determined by the membership. Article VI. The principal office of the foundation shall be in the Town of Bennington, Vermont.

Dated at Bennington, in the County of Bennington and State of Vermont, this 15th day of May, 1967....

* * * * * * *

BY-LAWS. (adopted on June 6, 1967; amended on May 7, 1968).

Article I. Membership.

Section 1. Any parish, congregation or other association which is determined by the incorporators to constitute a religious group shall be a member of the foundation for so long as it accepts the principles of association as set forth in the By-Laws from time to time and pays the membership assessment as determined by the board of trustees from time to time. Section 2. Any parish, congregation or other association, which is determined by the board of trustees to constitute a religious group, though the incorporators had not determined that such parish, congregation or other association constituted a religious group, shall be a member of the foundation for so long as it accepts the principles of association as set forth in the By-Laws from time to time and pays the membership assessment as determined by the board of trustees from time to time.

Article II. Principles of Association.

Section I. Religious education shall be provided by the foundation in accordance with the following principles of association. a. All religious groups are welcome. All teachers have full freedom to teach their particular beliefs and practices, provided the exercise of this freedom does not conflict with the principles of association. b. All are pledged to the common good of the students. All renounce personal attacks, vilification, ridicule, the attribution of bad motives or bad faith, and all polemics between denominational teachers or between them and the public school. c. No teacher may solicit the change of a student's religious affiliation. d. No coercion, other than the moral suasions inherent in religion itself, may be used by religious groups to induce attendance. The power of the public school may not be used. e. The foundation's purpose is to offer a religious curriculum and program of high educational quality on both a denominational and ecumenical basis. Membership in the foundation shall not be interpreted, however, to require or imply belief in or personal participation in any or every particular aspect of the foundation's curriculum and program...... Section 2. Any religious group which desires to become a member of the.... foundation must first accept the principles of association, as set. .forth in Section 1 above, the acceptance thereof to be in such.... .form as the board of trustees may from time to time require.

B.R.E.F.

Article III. Board of Trustees.

Section 1. The affairs of the foundation shall be managed by a board of trustees. Section 2. The board of trustees shall consist of two representatives from each member group, at least one of whom shall be a lay person. Section 3. In May of each year the member groups shall designate their two representatives for the ensuing year. Section 4. In the event of a vacancy on the board of trustees, the member group which would be represented by such trustee may designate a person to fill the vacancy. Section 5. The board of trustees shall hold an annual meeting in June to organize for the ensuing year and shall hold such other meetings as the board may from time to time determine. Section 6. There shall be a quorum for the transaction of business if a majority of the member groups are represented by at least one trustee. When a quorum is present at any meeting, a majority of the members present at such meeting shall decide any question brought before the meeting, unless the question is one upon which a larger vote is required by law, the articles of association or these by-laws.

Article IV. Officers.

Section 1. The officers of the foundation shall be a president, a vice-president, a treasurer and a clerk. Section 2. The officers of the foundation shall be elected from and by the board of trustees at the annual meeting of the trustees and shall serve for a period of one year or until their successors are chosen. Section 3. The board of trustees may also appoint such other officers and agents as it may deem advisable and prescribe their duties.

Article V. Financial Affairs.

Section 1. The fiscal year of the foundation shall be from June 1 to May 31. Section 2. The treasurer of the foundation shall present a financial statement for the preceeding year to the board of trustees at the annual meeting of the board in June. Section 3. The membership assessment for the first year of the foundation as determined by the incorporators at its organization meeting shall not thereafter be chenged except by a majority vote of the entire board of trustees. Section 4. The foundation may conduct a fund drive from time to time in such manner as the board of trustees shall determine. Section 5. No part of the net earnings of the foundation shall inure to the benefit of any individual, and this provision of the By-Laws shall not be subject to amendment. Section 6. If the foundation is dissolved, its assets shall be paid over to such charitable organization or organizations, and in such proportions, as the board of trustees shall then determine, provided, however, that the organizations to which the assets are paid over upon dissolution shall be within the classification of organizations which are eligible under the Internal Revenue Code at that time to receive deductible contributions, and this provision of the By-Laws shall not be subject to amendment.

Article VI. Program.

Section 1. The board of trustees shall be responsible for the program of the foundation. Section 2. The program shall be open to all residents of the Bennington area upon such reasonable terms and conditions as the board of trustees may from time to time determine. Section 3. Any minor who participates in the program must have the written consent of a parent or guardian.

Article VII. Amendment.

Section 1. The board of trustees may amend the Articles of Association by a two-thirds vote of the entire board of trustees at a meeting called upon at least seven days written notice for that purpose. Section 2. The board of trustees may amend the By-Laws by a two-thirds vote of the entire board of trustees at a meeting called upon at least seven days written notice for that purpose, except that this power of amendment shall not be applicable to Article 5, Sections 5 and 6.

* * * * * * *

(Note: The initial year's membership assessment - $100.00.)

APPENDIX 2

BREF Course Descriptions 1969-70

BREF COURSE DESCRIPTIONS 1969-70

BREF's purpose in this program is to offer to high school students religious education courses which are comparable in quality to the regular academic work. In dealing with the content of each course, whether denominational or interdenominational, BREF feels that it is important that the viewpoints of all traditions be presented. Since no one denomination or tradition has all the truth, we hope to encourage students to seek for it more diligently and more widely.

The Changing Roman Catholic Church (2 semesters, 2 periods of 2 mods each per week)

Why has the Roman Catholic Church undergone so many changes in recent years? Are things that were once wrong now right or vice versa? In addition to searching for answers to these questions, this course will deal with such topics as authority in the Church, freedom of the sons of God, celibacy in the priesthood, value of the liturgy, importance of the layman.

The United Church of Christ - Where Have We Been and Where are We Going? (Fall Semester, 2 periods of 2 mods each per week)

A survey of persons and places of significance in our past and a look at current experiments by the U.C.C. to be relevant in the 1960's.

Episcopal Beliefs and Traditions (Fall Semester, 2 periods of 2 mods each per week)

This course will examine our basic beliefs - both those which are shared and those which are distinctive. These beliefs and traditions will be analyzed in terms of how they came about and what they say to us today.

Methodist Beliefs and Traditions (Fall Semester, 2 periods of 2 mods each per week)

This course will examine our basic beliefs - both those which are shared and those which are distinctive. These beliefs and traditions will be analyzed in terms of how they came about and what they say to us today.

Church of God Beliefs and Traditions (Fall Semester, 2 periods of 2 mods each per week)

This course will examine our basic beliefs - both those which are shared and those which are distinctive. These beliefs and traditions will be analyzed in terms of how they came about and what they say to us today.

The Changing Protestant Church (Spring Semester, 2 periods of 2 mods each per week)

In a time of "religionless Christianity", the Underground Church, secularism and technology, what shape is the Protestant church taking (or should it be taking) in order to be heard?

What is the Bible All About? (2 Semesters, 2 periods of 2 mods each per week)

The various books of the bible were composed or compiled within a specific culture and era. In order that we "get the message", it is necessary to understand some of the literary forms, social customs, ideas about geography, astronomy, etc. that these ancient people had. What does the bible say and to whom? Why should we read it? May we look at the bible critically? These and other questions will be pursued as the class deals with this collection of writings to which the Church has attached some degree of authority.

Science and Religion (Fall Semester, 1 period of 2 mods each per week)

This course will examine the nature of the concepts "truth" and "meaning" in both science and religion. Possible topics include: Scientific and Religious views of Creation; Genesis and Evolution; Confession, Forgiveness, and Psychiatry; Scientism as a Religion; God and the Expanding Universe; Sociology and Religion.

Attitudes Towards Life (Spring Semester, 1 period of 2 mods each per week)

The raw material for this course will be short stories, excerpts from novels, films and newspaper acounts of significant happenings. The challenge to the class will be to search out the attitudes toward life expressed in the work of this author, this film-maker, these persons on the front page. The next step will be evaluation of these attitudes.

Exploring Religious Questions (2 Semesters, 2 periods of 2 mods each per week)

Can't I be religious without going to church? What about faith and unfaith? What does the Trinity really mean? Is there a life after death? These possibilities and other questions which perplex members of the class will set the direction of the group's exploration.

Widening Relationships (2 Semesters, 2 periods of 2 mods each per week)

This course will attempt to help each student to understand and appreciate himself better. The class will then try to discover what constitutes good interpersonal relationships. The third phase of the course will focus on Jesus. We may discover that our present understanding of Jesus is rather superficial and unreal. The value of attempting to know and understand Jesus Christ cannot be overemphasized for those who are taking Christianity seriously.

How Do I Know I'm Doing Right? (Fall Semester, 2 periods of 2 mods each per week)

I want to do and I am told to do and think and feel - a lot of different kinds of things by a lot of different people and institutions (parents, teachers, churches, governments). In the middle of all these demands I stand, but how do I know what to do? Whom do I believe? How can I know I'm doing right? This course will explore some of the situations which force people to deal with these questions.

The Generation Gap (Spring Semester, 2 periods of 2 mods each per week)

"Never trust anyone over thirty". "My parents don't understand me". "I don't see why I have to stay in school". This course will center on possible ways of dealing with the problems or dilemmas suggested by the above statements, including several sessions with adults who are also interested in bridging the generation gap.

Mission Impossible - Community Service (2 Semesters, 1 period of 2 mods each per week plus service time to be arranged)

(Suggested for Juniors and Seniors)

A number of young people have told BREF that they don't know how to put whatever beliefs they have into practice. This group will be trying to figure out why they feel this way, what they can do, and how they can do something in and for Bennington. The weekly meeting together will provide the time for planning and preparing for a service opportunity, and once the projects are underway, it will also be valuable for sharing experiences and working through problems that may arise.

Independent Study (1 or 2 Semesters, Time to be arranged)

This course will allow individual students or small groups to pursue topics of special interest to them on a tutorial basis. The course is designed for those students who wish to develop independent critical thinking in a given area or problem related to the field of religion. The specific area of study will be determined by appointment with the BREF Director of Studies.

APPENDIX 3

Vermont State Regulations Governing Periodic Release Time

16 V.S.A. PART 2 -- PUBLIC SCHOOLS

CHAPTER 23 -- Courses of Study

SUBCHAPTER 6 --PERIODIC RELEASED TIME

1050-Statement of Public Policy.

It is the policy of the State of Vermont to cooperate with religious groups by adjusting the schedule of public schools to provide periodic released time.

1051-Definitions and Construction.

A. Unless otherwise expressly provided the words and phrases in this subchapter mean:

1. Periodic released time: A program whereby public school students are released from school to attend religious education courses at least once a week, such religious education courses to be sponsored by and given under the authority of a religious group.

2. Religious group: Any association of persons for religious purposes, including any organization of religious denominations, communions, or traditions.

3. Periodic Released Time Religious Education Courses: Courses offered by a religious group during periodic released time.

B. This subchapter shall be construed liberally to carry out the policies stated herein.

1052 - Duty to Co-operate in Periodic Released Time Program.

If requested by a religious group a school board shall cooperate in a periodic released time program. Periodic released time religious education courses shall be included at the initiative of the religious group along with public school catalogs and listings of course offerings, provided that all periodic released time religious education course offerings shall be identified as given under the provisions of this subchapter.

1053 -Prohibitions

A. No person shall conduct a periodic released time religious education course on public school property.

B. No person shall conduct a periodic released time program so as to interfere with a student filling requirements for graduation as established from time to time by the State Department of Education.

C. No adminisatrator or teacher in a public school cooperating in a periodic released time program shall direct a student to take or not to take a periodic released time course.

1054-Conditions

A. No student may take a periodic released time religious education course without first having obtained:

1. Written permission from parent or guardian containing a release of the school from all legal responsibility for the student while engaged in the periodic released time program, and

2. Writtten permission from the sponsoring religious group to attend such course.

B. All costs of periodic released time religious education courses shall be borne by the sponsoring religious group.

CASE STUDY TWENTY-THREE

Release Time Religious Education

Northwest Interfaith Council,
Swanton, Vermont

RELEASE TIME RELIGIOUS EDUCATION

Swanton, Vermont

Overview

In the town of Swanton, Vermont, just seven miles from the Canadian border some 200 students at Missisquoi Valley Union High School are released during the school day to take religion classes at the Religious Education Center located on the adjacent lot. The Northwest Interfaith Council (NIC) operates these classes which include both denominational and ecumenical instruction. Plans for the program began in 1965 and classes began in 1970.

The significance of the Swanton experience is not the program that is operating today, however, but rather the process through which the program came into being. For more than five years public and parochial school officials from four different school systems worked together on a consolidated high school which was to include the privately owned Religious Education Center. The Center has not developed as planned but it played a vital and critical role in the successful development of the new public high school. This is the story of how a religious education effort enabled an impoverished community to build its high school.

The towns of Franklin, Highgate and Swanton together built the Missisiquoi Valley Union Consolidated High School. Swanton has a population of 4,100; Highgate's population is 1,900 and about 800 people live in Franklin. Approximately 65 percent of the 6,800 people in these three towns are Catholic. The towns can accurately be described as economically and educationally deprived. More than 45 percent of the families have annual incomes of less than $3,000. Many of the people in the area are farmers who have been forced to leave their small dairy farms and seek occupation in diversified fields for which they are educationally ill-equipped. In January of 1970, a tragic fire gutted the entire business section of Swanton, putting hundreds of people out of work.

The educational scene in these three towns was bleak long before the opening of the Union High School. In Highgate, 110 students were in the high school; eighty students attended Franklin High; about 100 youngsters went to school at Swanton High; and the one Catholic high school in the area, St. Anne's in Swanton, enrolled 151 students. The schools were too small to offer diversified programs and the State Department of Education had threatened to withdraw accreditation if they did not make extensive renovations on their facilities and greatly expand their school program. None of the schools could meet minimum Vermont State educational standards; none of the schools had counseling services, physical education, or business education classes; remedial reading and enrichment courses, provisions for the mentally retarded and physically handicapped simply did not exist.

In order to meet State educational requirements additional tax funds were needed. On ten different occasions since 1959 Union School District #7 had asked the citizens to approve the necessary bond issue. On each referendum the voters turned down the request. It would have cost more than one million dollars to bring the facilities up to acceptable standards and the tax payers simply would not foot the bill. School officials were faced with a dilemma; they desperately needed funds to maintain accreditation standards but they simply could not get a bond issue passed.

The Program

The solution to this conundrum grew out of an idea offered by the principal of St. Anne's School. Father John LaBrake, during a meeting with the high school principals from Highgate, Franklin and Swanton, suggested that a consolidated high school be constructed that would include facilities for religious instruction. This "Religious Education Center" would be open to all denominations. The idea was immediately thought to have great potential for two reasons. First, such an arrangement would give Catholics, who represent more than half the population, a vested interest in the bond issue that would be needed to construct the facility. Second, it would give Catholic and non-Catholic citizens and public and nonpublic school officials a common purpose. Fr. LeBrake's plan was not to teach religion in the public school, but to construct and operate a portion of the public school complex with private funds. This would allow for a logistically convenient release time program or even a dual enrollment program. The concept of dual enrollment was briefly discussed during the early stages of the planning but the major aim was a release time program.

Finances

As far as anyone knew, Fr. LeBrake's vision had no precedent: it encompassed a consolidated high school operated by three towns with a privately owned religious education center as an integral part of the facility! As preliminary plans were made it became clear that school officials might capitalize on the unique nature of the proposed school. The plan was so novel that it might qualify for special funding from Federal sources and private foundations. Fr. LeBrake drafted a proposal and Union School District #7 submitted to HEW. It was not all that simple but the project was awarded a Federal Planning Grant of $58,975 in October, 1966, under a Title III, ESEA, PACE program (Projects to Advance Creativity in Education). Although additional funds were later received, this grant was the turning point in the project's development. It allowed for the careful planning of the new school, but more importantly, it provided the funds needed to sell the program to the people in the community. Flyers and brochures describing plans for the new high school flooded the towns of Highgate, Franklin and Swanton. Several town meetings with slides and projectuals were held in each town and home visits were used in the public relations campaign. Preliminary sketches by Shaver & Company Architects of Michigan City, Indiana, were most impressive as were the educational specifications for the school. The planning committee set up by the Union School District #7, and directed by Fr. LaBrake did its work well. The committee educated the community on the meaning of quality education.

The school plan was outstanding and the publicity extremely effective. In September, 1967, the District voted 2 to 1 in support of the 2.2 million dollar bond issue needed to construct the school that the committee had planned. This guaranteed the future of the school and enabled the school district to obtain $16,000 from the Office of Education to train teachers for the modern facilities anda equipment the new school would contain.

The Public School

It is beyond the scope of this study to offer a detailed analysis of the facility constructed in Swanton by the Union

District No. 7. It is important to point out, however, that it was constructed as planned. It has five major areas which are all circular to save money and utilize space, and both the physical plant and the school's curriculum are ultra modern. A sketch of the building, including the proposed Religious School, is shown in Figure 1.

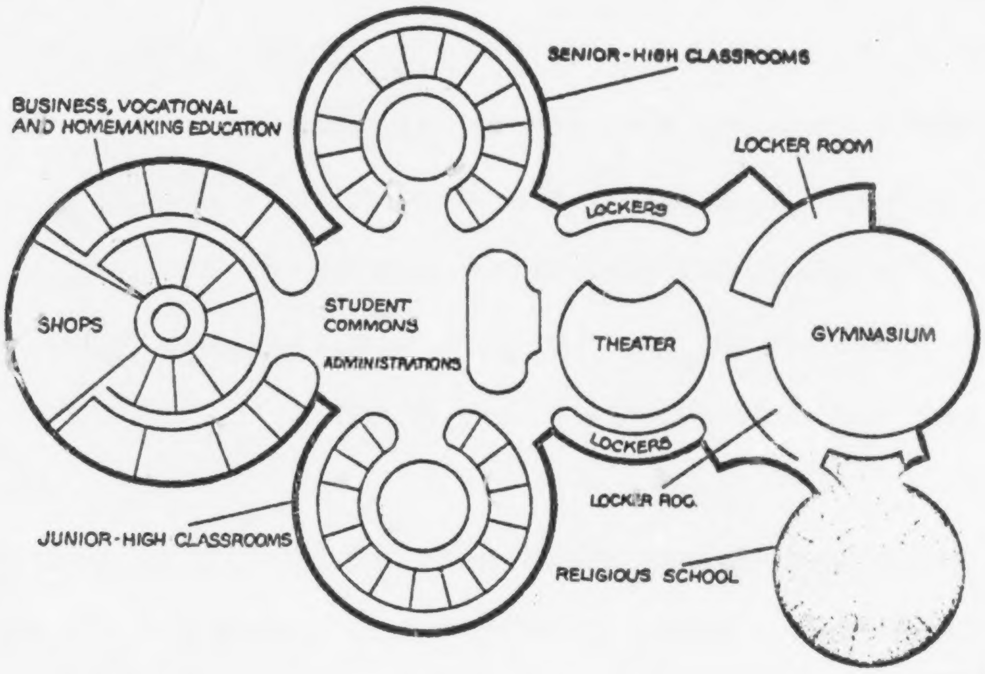
SENIOR-HIGH CLASSROOMS
BUSINESS, VOCATIONAL AND HOMEMAKING EDUCATION
LOCKER ROOM
LOCKERS
SHOPS
STUDENT COMMONS
ADMINISTRATIONS
THEATER
GYMNASIUM
LOCKERS
LOCKER ROG.
JUNIOR-HIGH CLASSROOMS
RELIGIOUS SCHOOL

Figure 1
Union High School
Swanton, Vermont

The building was budgeted for $3,052,965 and cost more than $3,600,000. To raise additional funds, a $475,000 bond issue was proposed to the voters in August 1968. This was rejected but a compromise figure of $397,000 was passed in September.

The Nonpublic Sector

In order to plan the nonpublic sector of the school, a group of clergy and lay delegates from the Methodist, Congregationalist and Catholic Churches in the three-town area formed the Northwest Interfaith Council, Inc. This group was responsible for planning, raising funds, and constructing the religious education facilities and the preparation of the curriculum and teachers which would be used in the program. The Northwest Interfaith Council (NIC) has been markedly less successful than the Title III planning Committee. NIC has received two grants from the Raskob Foundation for organizational and operating expenses. The larger of these two grants was $5,000. In addition, the Council has received two small grants from the Ford Foundation's Educational Facilities Laboratory to visit several religious education programs to study their facilities. Besides these grants, funds have been raised from within the participating Churches.. Notwithstanding these resources, NIC has never acquired sufficient resources to execute its plans.

The initial plan developed by the Council was to construct a religious school that would be a perfect architectural match of the public school facility. The proposed structure would have cost $285,000 and it now appears that it was never a financial possibility for the church groups involved. In this initial proposal, the Religious school was connected to the public school with a 12 inch wall separating the two facilities. After reconsidering possible legal ramifications the Northeast Interfaith Council voted to construct their building separate from the public school. ACLU and PAOU had investigated the plan and threatened suit, but no legal action has ever been taken. A second plan, which has not yet been actualized, calls for a prefabricated house to be built on a privately owned lot adjacent to the public school. This facility will cost $40,000 to $50,000 and it is possible that the council might some day be able to finance this facility.

In October of 1970, NIC cleared the lot next to the Union High and brought in a temporary school house, a mobile unit. The portable school is located on property now owned by NIC about 50 feet from the public school property. Release time classes began in this facility early in January.

Release Time

The Northwest Interfaith Council and the Union 7 Consolidated high school work together in operating a release time program. Students are released from public school study periods if they have a signed parent request form on file with the public school principal. Release time classes are offered seven periods a day in the NIC mobile unit next to the high school. Students can attend these classes whenever they have a study period. Attendance is taken in the religion classes and is reported to the public school office at the end of the day.

Approximately 250 students are enrolled in the program. The overwhelming majority of the students are Catholics. On Monday, Thursday and Friday Catholic Priests teach the classes. Wednesday and Friday classes are conducted by the Congregationalist and the Methodist Minister respectively. The original plan was to hire professional catechists to teach the courses. This was financially impossible. The Council then agreed to have all courses taught by an ecumenical team. This would have involved a clergyman and a lay person of a different denomination. The courses were to be ecumenical in nature. This was initially agreed to by all parties but after a brief trial, the Catholic pastor from Swanton abandoned the ecumenical approach and insisted on teaching a traditional Catholic CCD program by himself.

Analysis of Release Time

The Northwest Interfaith Council put its time and energy into planning a facility it can never afford to build. Even the alternative plan, a prefabricated house, will be a serious strain on the financial resources of the Council. Many supporters of the program feel that facilities have been inappropriately emphasized over the need for a professional faculty and a well developed curriculum. As one Minister who teaches in the program put it, "I don't think the question is where should classes be held, but who should teach and what should be taught."

The program is in desperate need of trained catechists and a well developed curriculum. Funds are not available for either of these items. People in the impoverished three town area reached deep into their pockets to support the public school bond issue and they have very little money left for religious education. A catastrophic fire in the business section of Swanton last January which put half the town out of work. Taxes paid this past spring include the bond issue funds which increased rates as much as 40 percent in some cases. The financial future for the Northwest Interfaith Council is most unpromising.

Besides the financial problems that accrue from the socio-economic status of the community, religious differences are also having a financial impact. The program is ecumenical by design but has developed a strong Roman Catholic flavor. This has adversely affected the support it might have gained from non-Catholics in the community. Only about 20 of the 250 students in the program are non-Catholics. Furthermore, although the plan was to offer ecumenical courses the curriculum has become predominantly Catholic. Non-Catholics do not have a recent history of religious education in conjunction with schools and appear to be suspect of this "ecumenical" venture. Although the majority of the people in Franklin, Highgate and Swanton are Catholics, they clearly cannot support the program alone. Non-Catholic support is vitally needed but does not appear to be forthcoming. The area has an old tradition of religious differences which apparently still lives on.

Conclusion

At the outset the funds were advanced because the school was to include the unique dimension of a Religious Education Center. This unique Center never materialized in the school complex but the funds advanced for its development enable the school district to plan and finally win support for a consolidated public high school.

The Swanton experiment was carefully designed. It just happened to take place at the wrong time and perhaps given the time in the wrong community. The plan might very well work elsewhere but the Franklin-Highgate-Swanton area brought to the program too much religious animosity and too little in the way of money.

It is a good plan that will never come to fruition because it cannot compensate for the religious climate and financial conditions of the community.

CASE STUDY TWENTY-FOUR

Release Time Religious Education

The School of Religion

Our Lady Queen of All Saints

Fraser, Michigan

Overview

In June, 1966, Our Lady Queen of All Saints Parish closed its four room parochial school and in the following September opened the School of Religion. The School of Religion enrolls over 1,100 elementary school youngsters from seven public schools in release time religious education classes. In addition, this catechitical center operates religious education programs for preschoolers, junior high and high school students, as well as an adult education program. The total enrollment at the School of Religion is over 1,500.

Background

Fraser, Michigan is six miles north of Detroit and has a population of about 10,000 people. The community is predominately, and was once almost exclusively, German Lutheran. Today 40 percent of the residents are Catholic.

The driving force behind the School of Religion is the Catholic pastor, Msgr. F.J. De Ceudt. In 1966 he examined his parochial school program and found that it served only 160 of the 980 elementary school age youngsters in the parish. Each year, the parish school board had to decide whose children would be accepted for the limited number of seats available in the Catholic school. A school which all parishioners supported. He asked the parish Board to investigate this situation. To arrive at a fair and factual analysis, the Board commissioned one of its members to make a survey of the parish. The survey discovered that one-thousand Catholic youngsters were preschoolers, 720 were in public grade schools and 190 attended the public high school. Projected enrollment four years hence, 1970, was set at 1,580 at the elementary level and 380 at the high school level.

The Board projected that even with four more classrooms the school could handle only 20 percent of the Catholic grade school age children by 1970. To provide facilities for 50 percent of the increased school enrollment in 1970, would require one million dollars plus an annual operating budget of over $180,000.

The Board realized that the parish, some 1,150 families, could never raise funds of this magnitude and was faced with two alternatives. They could continue the present school program and resign themselves to serving an increasingly smaller minority of the Catholic youngsters in the parish. Or, they could close the parochial school and seek an educational alternative that would equitably allocate the resources of the parish. The Board recommended that the parish convert its traditional elementary school into a religious center capable of serving the total parish community. This is how the School of Religion got its start.

Reaction to the Board's decision was not altogether favorable however. A group of parents whose children were in the parochial school and some "middle-of-the-roaders," organized opposition to the propossed center under the banner of S.O.S. - "Save our School." The opposition was articulate but accord was eventually reached and the School of Religion opened in September, 1966.

The Program

The School of Religion operates three religious education programs: (1) a release time program for elementary students; (2) a program for preschoolers, junior high and high school operated during nonschool hours and (3) an adult education program. Although the major focus of the study is the release time program, the other two programs will be described in order to present a total picture of this rather unique Cathecetical center.

Release Time

Enrollment

In 1970-71, 1,129 students from seven public schools attended release time education classes at the School of Religion. The enrollment by grade is shown in Table 1.

Table 1

Enrollment By Grade - School of Religion

Grade	Enrollment
1	209
2	227
3	195
4	191
5	161
6	146
	1,129

All but 20 of the children eligable for the program are enrolled in it.

Transportation

The seven public schools involved are all in the same school district of Fraser. This simplifies the matter of scheduling and transportation because it involves coordination with only one superintendent. Children from two of the schools can easily walk to the release time classes. Three buses owned by the parish transport the other children from the public school to their release time classes and back again.

Schedule

Release time classes are offered three times a day, Monday through Thrusday. The first session is from 11:00 to 12:20, the second is from 12:20 to 1:35, and the third is from 2:30 to 3:45. Each class is one hour and fifteen minutes long. First and second grade students attend class Monday and Tuesday during the first and second sessions; third and fourth graders attend the first and second sessions Wednesday and Thursday; and students in the fifth and sixth grades attend the third session Monday through Thursday. This schedule is shown in Appendix I. The detailed schedule of transportation to and from the release time classes, class time, lunch break, and the time spent away from public school for each session is shown in Figure 1.

Figure 1

Time Schedule for the School of Religion

First Noon Session	
Pick-up at schools	10:50 A.M.
Class	11:05-12:20
Lunch	12:20-12:45
Leave Center	12:45
Public School	1:00

Students will miss one hour of class (Once each week)

Second Noon Session	
Pick-up at schools	11:40 A.M.
Lunch	11:55-12:20
Class	12:20-1:35
Leave Center	1:35
Public School	1:50

Students will miss one hour of class (Once each week)

Third Session	
Pick-up at schools	2:15 P.M.
Class	2:30 -3:45
Leave Center	3:45
Public School	4:00

Students will miss one hour and fifteen minutes of class (Once each week)

Public Schools Lunch Hour for all Grade Schools are from 11:50 - 1:00

Afternoon dismissal is 3:30

All children in grades one through six have one class of Religion each of one hour and fifteen minutes.

In addition to the regular schedule, religious education classes are also operated during the nonschool hours on Wednesday afternoon to accommodate elementary school pupils whose public school schedule would make attendance in the regular program difficult

No student misses more than one hour and fifteen minutes of public school class time a week. The public school superintendent has directed his teachers not to teach major subjects while part of the class is on release time.

Registration

Each child who enrolls in the program must submit a "Release Time Form for Religious Instruction." The parent fills in the child's name and grade. The card is addressed to the Mr. H. Richards, Superintendent, Frasher Public Schools, identifies the child's schoool, and reads

> "Please release my child _________ who attends the ______ grade, from the above named school, for Religious Instruction at Our Lady Queen of All Saints Parish, at those times agreed upon between public school and parish representatives.

The School of Religion supplies these forms, the parents sign them and return them to the coordinator of the School

Curriculum

It is not within the scope of this study to offer an evaluation of the School of Religion's curriculum. Suffice it to say that it is not a traditional religious education course of study. It is not a factual study of religion, but rather intends to transmitt a sense of "Christian values." The School has no hard data evaluating the effects of its program.

Although the value of the School of Religion is directly related to the effects of its program, there is no evaluative information on this topic.

Legality

Michigan State Law allows that, upon the request of his parents, a child can be released for no more than two hours a week for religious instruction.

Other Programs

Besides the elementary school release time program, the School of Religion offers religious education to students during nonschool hours and also runs an adult education program.

Preschool, Junior High and High School

The schedule for preschool, junior high and high school religious education classes are shown in Figure 2.

Figure 2

Non Elementary Age Religious

Education Schedule

Preschool	Sunday	10 A.M. - 11 A.M.
Grade 7	Tuesday	7:30 P.M. - 8:30 P.M.
Grade 8	Thursday	7:30 P.M. - 8:30 P.M.
Grade 9	Monday	7:30 P.M. - 8:30 P.M.
Grades 10-12	Monday	7:30 P.M. - 8:30 P.M.

The enrollment for these different grade levels is shown in Table 2.

Table 2

Non-Elementary Age Enrollment - School of Religion

Grade Level	Enrollment
Preschool	86
Grades 7, 8	180
Grades 9-12	123

Enrollment and attendance sharply declines after grade eight. In the high school grades, an average of 70 students generally attend the Monday evening class.

Adult Education

The School of Religion offers a formal and an informal adult education program. The formal adult program includes a year long Bible class, classes for parent's whose children are about to receive Catholic Sacrements, classes explaining various changes in the church, and classes explaining the methods and techniques of teaching religion and what their children are learning in their religion classes. Adult courses are given in the evenings and the courses have been almost fully enrolled.

The informal adult education program adds a unique dimension to the School of Religion. The parish is divided up into five areas and a sister is assigned to each one. The sister works with the families in her area on a social worker-good friend basis. Amount the duties of each sister in her area are the following: (1) Visits to each home; (2) Visits to the sick at home or in hospitals; (3) Attendance at wakes and funerals;

(4) Conducting home dialogues, block meetins, coffee klatches, etc.; (5) Marriage counselling, problem solver; (6) Liason between parishioners and/or parish and pastor and (7) Participation in all parish functions whether they be educational, spiritual or social.

It is difficult to evaluate the effects of this "informal" adult education program. Those involved in its operation are quite pleased with it and feel that its grass-root human involvement is a critical and effective part of the School of Religion.

The Staff

Another unique element of the School of Religion is its staff. When the program began, every member of the 12 person staff was a professional catechists, although not all were involved in teaching. The staff was limited to people who were certified teachers with teaching experience, had extensive course work in theology and had an advanced degree in religious education or was working towards it. The assumption was that teaching religion is a highly specialized area and required the skills of a trained professional. Without the responsibility of planning for five or six different secular subjects a day, the staff has been able to develop its own curriculum materials and many have continued in their studies. The original staff included two priests, a deacon, six sisters and two lay catechists who applied to teach at the School.

The teaching staff today includes six nuns, eight lay catechists, and 41 volunteer teachers who recieve catechetical training before they begin work.

Finances

Out Lady Queen of All Saints School of Religion operates on a budget of just under $70,000 a year. The major expense, salaries, amounts to $48,500 annually. Other major costs are maintenance, $4,730; books and supplies, $3,200; and transportation, $2,300.

A tuition fee is charged to families whose children enroll in the School. For one child the family is charged $15., for two or more children, $25. The actual per capita expense for a child in the program is $46.30 per year. The parish makes up the deficit between operating expenses and tuition revenue.

Conclusion

The School of Religion at Our Lady Queen of All Saints parish in Fraser, is a well organized, professionally staffed catechitical center. It has involved more than 1,500 people in its formal programs and many more in its grass-root community work. There is no data, however, to evaluate the pedgogic effects of the program. It seems to be "effective," it enrolls a much larger and broader portion of the parish than could a traditional parochial school. But whether it achieves the same religious outcomes alledged to accrue from Catholic schools which emmerse the child in a total religious atmosphere, has not been determined.

Furthermore, as a local cooperative program, the School of Religion, like most release time programs, offers one-sided benifits. It is a convenient and perhaps effective means of religious education, but the public school derives few benefits from its operation. It does not add to the pluralistic mix of American education as does the various types of dual enrollment programs, nor does it have the effect of unifying the community as dual enrollment so often does.

Before a final conclusion on the Fraser Program can be made, a great deal of basic research is needed.

APPENDIX I

Class Schedule for the School of Religion

(CS:24):13

	Monday	Tuesday	Wednesday	Thursday
First Noon Session	First & Second Grades	First & Second Grades	Third & Fourth Grades	Third & Fourth Grades
(11:05-12:20)	1 1/4 hour classes	1 1/4 hour classes	1 1/4 hour classes	1 1/4 hour classes
	Emerson Einstein Salk Disney	Edison	Emerson Einstein Salk Disney	Edison
Second Noon Session				
(12:20-1:35)	Mark Twain	Dooley	Mark Twain	Dooley
Third Session	Fifth & Sixth Grades	Fifth & Sixth Grades	Fifth & Sixth Grades	Fifth & Sixth Grades
	Emerson Einstein Disney	Edison	Mark Twain	Dooley

7th grade classes on Tuesday nights 7:30 to 8:30
8th grade classes on Thursday nights 7:30 to 8:30
9th, 10th, 11th, and 12th grade classes on Monday nights 7:30 to 8:30

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